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No. 52] NEW DELHI, DECEMBER 18-DECEMBER 24, 2011, SATURDAY/AGRAHAYANA 27-PAUSA 3, 1933

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह पृथक संकलन के रूप में रखा जा सके
Separate Paging is given to this Part in order that it may be filed as a separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii)
PART II—Section 3—Sub-section (ii)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएं
Statutory Orders and Notifications Issued by the Ministries of the Government of India
(Other than in the Ministry of Defence)

कार्मिक, लोक शिकायत तथा पेंशन मंत्रालय

(कार्मिक और प्रशिक्षण विभाग)

नई दिल्ली, 12 दिसम्बर, 2011

का.आ. 3666.—केन्द्रीय सरकार एतद्वारा दंड प्रक्रिया संहिता, 1973 (1974 का अधिनियम सं. 2) की धारा 24 की उप-धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए निम्नोक्त वकीलों को कोचीन, केरल राज्य में दिल्ली विशेष पुलिस स्थापना (के.अ.ब्यूरो) द्वारा संस्थापित मामले जोकि परीक्षण न्यायालयों में के.अ.ब्यूरो द्वारा सौंप गए हैं, उनका तथा अपीलों/पुनरीक्षणों या विधि द्वारा स्थापित पुनरीक्षण या अपीलीय न्यायालयों में इन मामलों से उत्पन्न अन्य मामलों का अभियोजन संचालन करने के लिए विशेष लोक अभियोजक के रूप में नियुक्त करती है :—

सर्वश्री

1. के.जे. एंटनी
2. टी.के. कुनहअब्दुल्ला
3. जार्ज फिलिप

[फा. सं. 225/48/2011-एवीडी-II]

राजीव जैन, अवर सचिव

MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES
AND PENSIONS

(Department of Personnel and Training)

New Delhi, the 12th December, 2011

3666.— In exercise of the powers conferred by section (8) of Section 24 of the Code of Criminal Procedure, 1973 (Act No.2 of 1974), the Central Government hereby appoints following advocates as special Public Prosecutor for conducting the prosecution of cases instituted by the Delhi Special Police Establishment (CBI) in the State of Kerala at Cochin as entrusted to them by the Central Bureau of Investigation in the trial courts and appeals/revision or other matters arising out of these cases in the revisional or appellate courts established by law

S/Shri

1. K.J. Antony
2. T.K. Kunhabdullah
3. George Philip

[F. No. 225/48/2011-AVD-II]

RAJIV JAIN, Under Secy.

नई दिल्ली, 12 दिसम्बर, 2011

का.आ. 3667.—केन्द्रीय सरकार एतद्वारा दंड प्रक्रिया संहिता 1973 (1974 का अधिनियम सं. 2) की धारा 24 की उप-धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए ईस्ट सेसन डिविज़न न्यायालय, तेज़ू, लोहित, जिला अरुणाचल प्रदेश में केस सं. आर.सी. 2(एस)/2008-कोलकाता (श्री वांग्चा राजकुमार, भूतपूर्व सांसद, अरुणाचल प्रदेश की हत्या) संबंधी मामला तथा अपीलों, पुनरीक्षणों या अन्य मामले जोकि इससे सम्बद्ध हों तथा जो इससे प्रासंगिक हों, का संचालन करने के लिए मोहम्मद शाह सईद समादुर रहमान, वकील को विशेष लोक अभियोजक के रूप में नियुक्त करती है।

[फा. सं. 225/35/2011-एवीडी-II]

राजीव जैन, अवर सचिव

New Delhi, the 12th December, 2011

S.O. 3667.— In exercise of the powers conferred by sub-section (8) of Section 24 of the Code of Criminal Procedure, 1973 (Act No.2 of 1974), the Central Government hereby appoints Md. Shah Syed Samadur Rahman, Advocate as Special Public Prosecutor for conducting Case No. RC 2/S/2008-Kol (murder of Shri Wangcha Rajkumar, Ex MP of Arunachal Pradesh) in the court of East Sessions Division, Tezu, Lohit District, Arunachal Pradesh and appeals/revisions or other matters connected therewith and incidental thereto.

[F. No. 225/35/2011-AVD-II]

RAJIV JAIN, Under Secy.

नई दिल्ली, 12 दिसम्बर, 2011

का.आ. 3668.—केन्द्रीय सरकार एतद्वारा दंड प्रक्रिया संहिता 1973 (1974 का अधिनियम सं. 2) की धारा 24 की उप-धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए पंजाब और हरियाणा उच्च न्यायालय, चंडीगढ़ में अभियोजन अपीलों, पुनरीक्षणों या दिल्ली विशेष पुलिस स्थापना द्वारा अन्वेषित मामलों से उत्पन्न मामलों का संचालन करने के लिए श्री सुखदीप सिंह संधू, एडवोकेट को केंद्रीय अन्वेषण ब्यूरो का विशेष लोक अभियोजक के रूप में नियुक्त करती है।

[फा. सं. 225/3/2011-एवीडी-II]

राजीव जैन, अवर सचिव

New Delhi, the 12th December, 2011

S.O. 3668.— In exercise of the powers conferred by sub-section (8) of Section 24 of the Code of Criminal Procedure, 1973 (Act No.2 of 1974), the Central Government hereby appoints Shri Sukhdeep Singh Sandhu, Advocates as Special Public Prosecutor of the Central Bureau of Investigation in the Punjab and Haryana High Court at Chandigarh for conducting the prosecution appeals, revisions or other matters arising out of the cases investigated by the Delhi Special Police Establishment.

[F. No. 225/3/2011-AVD-II]

RAJIV JAIN, Under Secy.

नई दिल्ली, 12 दिसम्बर, 2011

का.आ. 3669.—केन्द्रीय सरकार एतद्वारा दंड प्रक्रिया संहिता, 1973 (1974 का अधिनियम सं. 2) की धारा 24 की उप-धारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मध्य प्रदेश राज्य में दिल्ली विशेष पुलिस स्थापना (के.अ.ब्यूरो) द्वारा स्थापित मामलों तथा केंद्रीय अन्वेषण ब्यूरो द्वारा सौंपे गए परीक्षण न्यायालयों और अपीलों/पुनरीक्षणों अथवा विधि द्वारा स्थापित अपीलीय न्यायालयों या पुनरीक्षणों संबंधी मामलों से उद्भूत अन्य मामलों का संचालन करने के लिए निम्नोक्त वकीलों को लोक अभियोजक के रूप में नियुक्त करती है :—

1. श्री सुधीर कुमार शर्मा

[फा. सं. 202/5/2011-एवीडी-II]

राजीव जैन, अवर सचिव

New Delhi, the 12th December, 2011

S.O. 3669.— In exercise of the powers conferred by sub-section (2) of Section 24 of the Code of Criminal Procedure, 1973 (Act No.2 of 1974), the Central Government hereby appoints following Advocates in Central Bureau of Investigation as Public Prosecutor for conducting the prosecution of cases in the State of Madhya Pradesh instituted by the Delhi Special Police Establishment (CBI) in trial courts and appeals, revisions or other matters arising out of these cases in revisional or appellate Courts, established by law :—

1. Shri Sudhir Kumar Sharma

[F. No. 202/5/2011-AVD-II]

RAJIV JAIN, Under Secy.

नई दिल्ली, 12 दिसम्बर, 2011

का.आ. 3670.—केन्द्रीय सरकार एतद्वारा दंड प्रक्रिया संहिता 1973 (1974 का अधिनियम सं. 2) की धारा 24 की उप-धारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए छत्तीसगढ़ राज्य में दिल्ली विशेष पुलिस स्थापना (के.अ.ब्यूरो) द्वारा स्थापित मामलों तथा केंद्रीय अन्वेषण ब्यूरो द्वारा सौंपे गए परीक्षण न्यायालयों और अपीलों/पुनरीक्षणों अथवा विधि द्वारा स्थापित अपीलीय न्यायालयों या पुनरीक्षणों संबंधी मामलों से उद्भूत अन्य मामलों का संचालन करने के लिए निम्नोक्त वकीलों को लोक अभियोजक के रूप में नियुक्त करती है :—

1. श्री अनिल पिल्लई

[फा. सं. 202/5/2011-एवीडी-II]

राजीव जैन, अवर सचिव

New Delhi, the 12th December, 2011

S.O. 3670.— In exercise of the powers conferred by sub-section (2) of Section 24 of the Code of Criminal Procedure, 1973 (Act No.2 of 1974), the Central Government hereby appoints following Advocates in Central Bureau of Investigation as Public Prosecutor for conducting the prosecution of cases in the State of Chhattisgarh instituted by the Delhi Special Police Establishment (CBI) in trial courts and appeals, revisions or other matters arising out

of these cases in revisional or appellate Courts, established by law :—

1. Shri Anil Pillai

[F. No. 202/5/2011-AVD-II]

RAJIV JAIN, Under Secy.

नई दिल्ली, 12 दिसम्बर, 2011

का.आ. 3671.—केन्द्रीय सरकार एतद्वारा दंड प्रक्रिया संहिता, 1973 (1974 का अधिनियम सं. 2) की धारा 24 की उप-धारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए परीक्षण न्यायालयों तथा अपीलों, पुनरीक्षणों या पुनरीक्षण या विधि द्वारा स्थापित अपीलीय न्यायालयों से संबंधित मामलों से उत्पन्न अन्य मामले जोकि दिल्ली विशेष पुलिस स्थापना (के.अ.ब्यूरो) द्वारा संस्थापित किए गए हैं, स्थानीय क्षेत्र जिसमें सारा उत्तर प्रदेश सम्मिलित है, में अभियोजन मामलों का संचालन करने के लिए निम्नोक्त वकीलों को केंद्रीय अन्वेषण ब्यूरो के लोक अभियोजक के रूप में नियुक्त करती है :—

1. श्री प्रमोद प्रकाश श्रीवास्तव
2. श्री ए.के. त्रिपाठी
3. श्री बलवंत राय अग्रवाल
4. श्री मुन्ना लाल

[फा. सं. 202/5/2011-एवीडी-II]

राजीव जैन, अवर सचिव

New Delhi, the 12th December, 2011

S.O. 3671.—In exercise of the powers conferred by sub-section (2) of Section 24 of the Code of Criminal Procedure, 1973 (Act No.2 of 1974), the Central Government hereby appoints following Advocates in Central Bureau of Investigation as Public Prosecutor for conducting the prosecution of cases in the State of Uttar Pradesh instituted by the Delhi Special Police Establishment (CBI) in trial courts and appeals, revisions or other matters arising out of these cases in revisional or appellate Courts, established by law :—

1. Shri Pramod Kumar Srivastava
2. Shri A.K. Tripathi
3. Shri Balwant Rai Aggarwal
4. Shri Munna Lal

[F. No. 202/5/2011-AVD-II]

RAJIV JAIN, Under Secy.

नई दिल्ली, 13 दिसम्बर, 2011

का.आ. 3672.—केन्द्रीय सरकार एतद्वारा दंड प्रक्रिया संहिता, 1973 (1974 का अधिनियम सं. 2) की धारा 24 की उप-धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए दिल्ली विशेष पुलिस स्थापना (सीबीआई) द्वारा परीक्षण न्यायालयों में संस्थापित मामलों तथा अभियोजन, अपीलों, पुनरीक्षणों या अन्य मामलों से उद्भूत इन मामलों में पुनरीक्षण या अपीलीय न्यायालयों में किसी राज्य अथवा संघ शासित राज्य जिसके अंतर्गत उपर्युक्त धारा के प्रावधान लागू हैं,

का संचालन करने के लिए श्री धामानंद नागनाथ मासके, केंद्रीय अन्वेषण ब्यूरो के अभियोजन अधिकारी को विशेष लोक अभियोजक के रूप में नियुक्त करती है ।

[फा. सं. 225/50/2011-एवीडी-II]

राजीव जैन, अवर सचिव

New Delhi, the 13th December, 2011

S.O. 3672.—In exercise of the powers conferred by sub-section (8) of Section 24 of the Code of Criminal Procedure, 1973 (Act No.2 of 1974), the Central Government hereby appoints Shri Dhammanand Nagnath Mhaske, Prosecuting Officer of the Central Bureau of Investigation as Special Public Prosecutor for conducting cases instituted by the Delhi Special Police Establishment (C.B.I.) in trial courts and appeals, revisions or other matters arising out of these cases in revisional or appeals Courts, established by law in any State or Union Territory to which the provisions of the aforesaid section apply.

[F. No. 225/50/2011-AVD-II]

RAJIV JAIN, Under Secy.

नई दिल्ली, 13 दिसम्बर, 2011

का.आ. 3673.—केन्द्रीय सरकार एतद्वारा दंड प्रक्रिया संहिता, 1973 (1974 का अधिनियम सं. 2) की धारा 25 की उप-धारा (1-ए) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए दिल्ली विशेष पुलिस स्थापना (के.अ.ब्यूरो) द्वारा स्थापित मामलों का किसी राज्य अथवा संघ शासित राज्य में सक्षम न्यायालय के क्षेत्राधिकार में जिसके अंतर्गत उपर्युक्त धारा के प्रावधान लागू हैं, का संचालन करने के लिए केंद्रीय अन्वेषण ब्यूरो के निम्नोक्त अभियोजन अधिकारियों को सहायक लोक अभियोजक के रूप में नियुक्त करती है:-

सर्वश्री

- | | |
|--------------------|-------------------------|
| 1. विजय कृष्ण पाठक | 2. नीतू सिंह |
| 3. तरूण गोयल | 4. नवीन कुमार गिरि |
| 5. तजविन्द्र सिंह | 6. शोभित सिंह |
| 7. रत्न दीप सिंह | 8. रजत कुमार श्रीवास्तव |
| 9. सीयाराम मोणा | 10. जैयनूद्दीन अंसारी |
| 11. अजमद अली | 12. अभिषेक अरोड़ा |

[फा. सं. 225/50/2011-एवीडी-II]

राजीव जैन, अवर सचिव

New Delhi, the 13th December, 2011

S.O. 3673.—In exercise of the powers conferred by sub-section (1-A) of Section 25 of the Code of Criminal Procedure, 1973 (Act No.2 of 1974), the Central Government hereby appoints following Prosecuting Officer of the Central Bureau of Investigation as Assistant Public Prosecutor for conducting cases instituted by the Delhi Special Police Establishment (C.B.I.) in the courts of competent jurisdiction in any State or Union Territory of India to which the provision of the aforesaid section apply:-

S/Shri	S/Shri
1. Vijay Krishna Pathak	2. Neetu Singh
3. Tarun Goyal	4. Navin Kumar Giri
5. Tajvinder Singh	6. Shobhit Singh
7. Rattan Deep Singh	8. Rajat Kumar Shrivastava
9. Siya Ram Meena	10. Jainuddin Ansari
11. Amjad Ali	12. Abhishek Arora
[F. No. 225/50/2011-AVD-II]	
RAJIV JAIN, Under Secy.	

वित्त मंत्रालय

(राजस्व विभाग)

(कार्यालय आयुक्त)

केन्द्रीय उत्पाद शुल्क आयुक्तालय, जयपुर-II)

जयपुर, 13 दिसम्बर, 2011

सं. 01/2011-सीमा-शुल्क (गै.टै.)

का.आ. 3674.—भारत सरकार, वित्त मंत्रालय, राजस्व विभाग, नई दिल्ली द्वारा सीमा-शुल्क अधिनियम, 1962 (1962 का 52) की धारा 152 के खण्ड (ए) के अंतर्गत जारी अधिसूचना संख्या 33/94-सी. शु. (एन.टी.), दिनांक 1 जुलाई, 1994 के अन्तर्गत प्रदत्त शक्तियों का प्रयोग करते हुए, राजस्थान राज्य के सिरोंही जिले की पिंडवाड़ा तहसील के राजस्व गाँव पिंडवाड़ा को सीमा-शुल्क अधिनियम 1962 की धारा 9 के अंतर्गत 100% निर्यातोन्मुखी इकाइयों (इ.ओ.यू.) की स्थापना के सीमित प्रयोजन के लिये भंडारण केन्द्र (वेयरहाउसिंग स्टेशन) घोषित किया जाता है।

[फा. (सी.सं. वी.विविध)30/जय.-II/41/2011]

डॉ. डी. के. वर्मा, आयुक्त

MINISTRY OF FINANCE

(Department of Revenue)

(OFFICE OF THE COMMISSIONER

**CENTRAL EXCISE COMMISSIONERATE,
JAIPUR-II)**

Jaipur, the 13th December, 2011

No. 01/2011-CUSTOMS (N.T.)

S.O. 3674.—In exercise of the powers conferred vide notification No. 33/94. Customs (NT) dated 1st July, 1994 by the Government of India, Ministry of Finance, Department of Revenue, New Delhi under clause (a) of Section 152 of the Customs Act, 1962 (52 of 1962), Pindwara Village of Pindwara tehsil in Sirohi District of the State of Rajasthan is hereby declared to be a warehousing station under Section 9 of the Customs Act, 1962 for the limited purpose of setting up 100% Export Oriented Units (EOU).

[F. C. No. V (Misc.) 30/JP-II/41/2011]

Dr. D. K. VERMA, Commissioner

**OFFICE OF THE CHIEF COMMISSIONER OF
INCOME TAX AHMEDABAD-IV****CORRIGENDUM TO THE NOTIFICATION NO. 08/2007,**

Dated 19-01-2007

Ahmedabad, the 15th December, 2011

S.O. 3675.—In exercise of the powers conferred by the Sub-clause (iv) of Clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961) read with Rule 2CA of the

Income Tax Rules, 1962, I, the Chief Commissioner of Income Tax, Ahmedabad-IV, Ahmedabad hereby makes the following modification in Notification No. 08/2007 [F.No. 197/47/2006-ITA-I], dated 19-01-2007;

In the third line of paragraph 1, the words "Sant Sri Asharam Ashram" be substituted by the words "Sant Shri Asharamji Ashram". All other contents of the notification shall remain unchanged.

[F.No. CC-IV/ABD/10(23C)Cell/Misc./2011-12/376-81]

ARVIND SHANKAR, Chief Commissioner of
Income Tax**विदेश मंत्रालय**

(सीपीवी प्रभाग)

नई दिल्ली, 7 दिसम्बर, 2011

का.आ. 3676.—राजनयिक और कौंसलीय ऑफिसर (शपथ और फीस) के अधिनियम, 1948 की धारा 2 के खंड (क) के अनुसरण में केंद्र सरकार एतद्वारा श्री जगपाल सिंह, श्री विजय सिंह, श्री संदीप साहनी, श्री थोमस मैथ्यू, श्री अशोक कंडूरी सहायक, राकेश वधवा, पीए, श्री राजेश दुग्गल, अपर श्रेणी लिपिक को 7-12-2011 से भारत के कौंसलावास, दुबई में सहायक कौंसुलर अधिकारी के कर्तव्यों का पालन करने के लिए प्राधिकृत करती है।

[सं. टी-4330/1/2006]

आर. के. पेरिन्डिया, अवर सचिव (कौंसुलर)

MINISTRY OF EXTERNAL AFFAIRS

(CPV Division)

New Delhi, the 7th December, 2011

S.O. 3676.—In pursuance of the clause (a) of the Section 2 of the Diplomatic and Consular Officers (Oaths and Fees) Act, 1948 (41 of 1948), the Central Government hereby authorize S/Shri Jagpal Singh, Vijay Singh, Sandeep Sahni, Thomas Mathew, Ashok Khanduri, Assistants, Rakesh Wadhwa, PA and Rajesh Duggal, UDC Consulate General of India, Dubai to perform their duties of Assistant Consular Officers with effect from 7th December, 2011.

[No. T-4330/01/2006]

R. K. PERINDIA, Under Secy. (Consular)

नई दिल्ली, 14 दिसम्बर, 2011

का.आ. 3677.—राजनयिक और कौंसलीय ऑफिसर (शपथ और फीस) के अधिनियम, 1948 की धारा 2 के खंड (क) के अनुसरण में केंद्र सरकार एतद्वारा श्री कालीदास राय, सहायक को 12-12-2011 से भारत के राजदूतावास, कुवैत में सहायक कौंसुलर अधिकारी के कर्तव्यों का पालन करने के लिए प्राधिकृत करती है।

[सं. टी-4330/1/2006]

आर. के. पेरिन्डिया, अवर सचिव (कौंसुलर)

New Delhi, the 14th December, 2011

S.O. 3677.—In pursuance of the clause (a) of the Section 2 of the Diplomatic and Consular Officers (Oaths and Fees) Act, 1948 (41 of 1948), the Central Government hereby authorize Shri Kalidas Roy, Assistant, Embassy of India, Kuwait to perform the duties of Assistant Consular Officer with effect from 12th December, 2011

[No. T-4330/1/2006]

R. K. PERINDIA, Under Secy. (Consular)

स्वास्थ्य एवं परिवार कल्याण मंत्रालय

(स्वास्थ्य एवं परिवार कल्याण विभाग)

नई दिल्ली, 28 सितम्बर, 2011

का. आ. 3678.—केन्द्र सरकार, भारतीय चिकित्सा परिषद् अधिनियम, 1956 (1956 का 102) की धारा 11 के उप-खण्ड (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारतीय चिकित्सा परिषद् से परामर्श करने के बाद उक्त अधिनियम की प्रथम अनुसूची में निम्नलिखित संशोधन करती है, नामतः :—

उक्त प्रथम अनुसूची में शीर्ष 'मान्यताप्राप्त चिकित्सा अर्हता' [कालम (2) में] के अंतर्गत "डा. एनटीआर स्वास्थ्य विज्ञान, विश्वविद्यालय, विजयवाड़ा" के सामने और शीर्ष पंजीकरण के लिए संक्षेपण [कालम (3) में] के तहत अंतःस्थापित किया जाएगा अर्थात् :—

(2)	(3)
"मास्टर ऑफ सर्जरी (प्रसूति रोग और स्त्री रोग विज्ञान)"	एम.एस.(ओबीजी) (यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी जब यह सिद्धार्थ मेडिकल कॉलेज, विजयवाड़ा, आंध्र प्रदेश में प्रशिक्षित किए जा रहे विद्यार्थियों के सम्बंध में डा. एनटीआर स्वास्थ्य विज्ञान विश्वविद्यालय, विजयवाड़ा द्वारा मई, 2011 में अथवा उसके पश्चात् प्रदान की गई हो)
"डिप्लोमा इन मेडिकल रेडियो डायग्नोसिस"	डीएमआरडी (यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी जब यह डक्कन आयुर्विज्ञान कॉलेज, हैदराबाद, आंध्र प्रदेश में प्रशिक्षित किए जा रहे विद्यार्थियों के बारे में डा. एनटीआर स्वास्थ्य विज्ञान विश्वविद्यालय, विजयवाड़ा द्वारा मई, 2011 में अथवा उसके पश्चात् प्रदान की गई हो)

ख. "वेंकटेश्वर आयुर्विज्ञान संस्थान, सम-विश्वविद्यालय, तिरुपति" के सामने 'मान्यताप्राप्त चिकित्सा अर्हता' [इसके बाद कालम (2) के रूप में संदर्भित] शीर्षक के अंतर्गत और 'पंजीकरण के लिए संक्षेपण' [इसके बाद कालम (3) के रूप में संदर्भित], शीर्षक के अंतर्गत अंतिम प्रविष्टि एवं उससे संबंधित प्रविष्टि के बाद निम्नलिखित अन्तःस्थापित किया जाएगा, अर्थात् :—

(2)	(3)
"डाक्टर ऑफ मेडिसिन (जनरल मेडिकल)"	एम.डी. (जनरल मेडिसिन) (यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी जब यह "वेंकटेश्वर आयुर्विज्ञान संस्थान, श्री तिरुपति आंध्र प्रदेश" में प्रशिक्षित किए जा रहे विद्यार्थियों के बारे में "श्रीवेंकटेश्वर आयुर्विज्ञान संस्थान, सम-विश्वविद्यालय, तिरुपति आंध्र प्रदेश" द्वारा अप्रैल, 2011 में अथवा उसके पश्चात् प्रदान की गई हो)

ग. "बी.एन. मंडल विश्वविद्यालय, माधेपुरा, बिहार" के सामने 'मान्यताप्राप्त चिकित्सा अर्हता' [इसके बाद कालम (2) के रूप में संदर्भित] शीर्षक के अंतर्गत और 'पंजीकरण के लिए संक्षेपण' [इसके बाद कालम (3) के रूप में संदर्भित] शीर्षक के अंतर्गत अंतिम प्रविष्टि एवं उससे संबंधित प्रविष्टि के बाद निम्नलिखित अन्तःस्थापित किया जाएगा, अर्थात् :—

(2)	(3)
"मास्टर ऑफ सर्जरी (नेत्र/विज्ञान रोग)"	एम.एस. (नेत्र विज्ञान) (यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी जब यह "माता गुजरी मेडिकल कॉलेज किशनगंज, बिहार" में प्रशिक्षित किए जा रहे विद्यार्थियों के बारे में "बी.एन. मंडल विश्वविद्यालय, माधेपुरा, बिहार" द्वारा मई, 2011 में अथवा उसके पश्चात् प्रदान की गई हो)
"नेत्र रोग विज्ञान में डिप्लोमा"	डी.ओ. (नेत्र विज्ञान) (यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी जब यह "माता गुजरी मेडिकल कॉलेज किशनगंज, बिहार" में प्रशिक्षित किए

(2)	(3)
“डाक्टर ऑफ मेडिसिन (संवेदनाहरण)”	<p>जा रहे विद्यार्थियों के बारे में “बी.एन. मंडल विश्वविद्यालय, माधेपुरा, बिहार द्वारा मई, 2011 में अथवा उसके पश्चात् प्रदान की गई हो)</p> <p>एमडी (संवेदनाहरण)</p> <p>(यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी जब यह “माता गुजरी मेडिकल कॉलेज किशनगंज, बिहार” में प्रशिक्षित किए जा रहे विद्यार्थियों के बारे में बी.एन. मंडल विश्वविद्यालय, माधेपुरा, बिहार द्वारा मई, 2011 में अथवा उसके पश्चात् प्रदान की गई हो)</p>

घ. “भावनगर विश्वविद्यालय, भावनगर, गुजरात” के सामने ‘मान्यताप्राप्त चिकित्सा अर्हता’ [इसके बाद कालम (2) के रूप में संदर्भित] शीर्षक के अंतर्गत और ‘पंजीकरण के लिए संक्षेपण’ [इसके बाद कालम (3) के रूप में संदर्भित] शीर्षक के अंतर्गत अंतिम प्रविष्टि एवं उससे संबंधित प्रविष्टि के बाद निम्नलिखित अन्तःस्थापित किया जाएगा, अर्थात् :—

(2)	(3)
“सूक्ष्मजैविकी में डिप्लोमा”	<p>डी. (सूक्ष्मजीवविज्ञान)</p> <p>(यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी जब यह “राजकीय मेडिकल कॉलेज, भावनगर, गुजरात” में प्रशिक्षित किए जा रहे विद्यार्थियों के बारे में भावनगर विश्वविद्यालय, भावनगर, गुजरात द्वारा मार्च, 2011 में अथवा उसके पश्चात् प्रदान की गई हो)</p>

(ङ). “सौराष्ट्र विश्वविद्यालय, राजकोट, गुजरात” के सामने ‘मान्यताप्राप्त चिकित्सा अर्हता’ [इसके बाद कालम (2) के रूप में संदर्भित] शीर्षक के अंतर्गत और ‘पंजीकरण के लिए संक्षेपण’ [इसके बाद कालम (3) के रूप में संदर्भित] शीर्षक के अंतर्गत अंतिम एवं उससे संबंधित प्रविष्टि के बाद निम्नलिखित अन्तःस्थापित किया जाएगा, अर्थात् :—

(2)	(3)
“डॉक्टर ऑफ मेडिसिन (बाल चिकित्सा)”	<p>एमडी (बाल-चिकित्सा)</p> <p>(यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी जब यह पंडित दीनदयाल उपाध्याय मेडिकल कॉलेज, राजकोट, गुजरात में प्रशिक्षित किए जा रहे विद्यार्थियों के संबंध में “सौराष्ट्र विश्वविद्यालय, राजकोट, गुजरात” द्वारा वर्ष मई, 2011 में अथवा उसके पश्चात् प्रदान की गई हो)</p>
“बाल स्वास्थ्य में डिप्लोमा”	<p>डीसीएच</p> <p>(यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी जब यह पंडित दीनदयाल उपाध्याय मेडिकल कॉलेज, राजकोट, गुजरात में प्रशिक्षित किए जा रहे विद्यार्थियों के संबंध में सौराष्ट्र विश्वविद्यालय, राजकोट, गुजरात द्वारा वर्ष मई, 2011 में अथवा उसके पश्चात् प्रदान की गई हो)</p>
“प्रसूति रोग तथा स्त्री रोग विज्ञान में डिप्लोमा”	<p>डीजीओ</p> <p>(यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी जब यह पंडित दीनदयाल उपाध्याय मेडिकल कॉलेज, राजकोट, गुजरात में प्रशिक्षित किए जा रहे विद्यार्थियों के संबंध में “सौराष्ट्र विश्वविद्यालय, राजकोट, गुजरात” द्वारा वर्ष जून, 2011 में अथवा उसके पश्चात् प्रदान की गई हो)</p>

(च) “गोवा विश्वविद्यालय, गोवा” के सामने शीर्षक ‘मान्यताप्राप्त चिकित्सा अर्हता’ [इसके बाद कालम (2) के रूप में संदर्भित] शीर्षक के अंतर्गत शीर्षक ‘पंजीकरण के लिए संक्षेपण’ [इसके बाद कालम (3) के रूप में संदर्भित] शीर्षक के अंतर्गत प्रविष्टि अंतिम एवं उससे संबंधित प्रविष्टि के बाद निम्नलिखित अन्तःस्थापित किया जाएगा, अर्थात् :—

(2)

(3)

“डाक्टर ऑफ मेडिसिन (चर्मरोग, रक्तिज रोग और कुष्ठ रोग)” एमडी (डीबीएल)

(यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी जब यह गोवा मेडिकल कालेज, पणजी, गोवा में प्रशिक्षित किए जा रहे विद्यार्थियों के संबंध में गोवा विश्वविद्यालय, गोवा द्वारा वर्ष 1983 में अथवा उसके पश्चात् प्रदान की गई हो)

(छ) “शेर-ए-कश्मीर आयुर्विज्ञान संस्थान (सम-विश्वविद्यालय, जम्मू तथा कश्मीर)” के सामने शीर्षक ‘मान्यताप्राप्त चिकित्सा अर्हता’ [इसके बाद कालम (2) के रूप में संदर्भित] के अंतर्गत शीर्षक ‘पंजीकरण के लिए संक्षेपण’ [इसके बाद कालम (3) के रूप में संदर्भित] के अंतर्गत प्रविष्टि अंतिम एवं उससे संबंधित प्रविष्टि के बाद निम्नलिखित अन्तः स्थापित किया जाएगा, अर्थात् :—

(2)

(3)

“डाक्टर ऑफ मेडिसिन (जठरांत्र रोग विज्ञान)”

डीएम (जठरांत्र रोग विज्ञान)

(यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी जब यह शेर-ए-कश्मीर आयुर्विज्ञान संस्थान (सम-विश्वविद्यालय, जम्मू तथा कश्मीर) में प्रशिक्षित किए जा रहे विद्यार्थियों के संबंध में शेर-ए-कश्मीर आयुर्विज्ञान संस्थान (सम-विश्वविद्यालय, जम्मू तथा कश्मीर) द्वारा वर्ष 1995 में अथवा उसके पश्चात् प्रदान की गई हो)

(ज) “अमृता विश्वा विद्यापीठम्, कोयम्बटूर” के सामने शीर्षक ‘मान्यताप्राप्त चिकित्सा अर्हता’ [इसके बाद कालम (2) के रूप में संदर्भित] के अंतर्गत शीर्षक और ‘पंजीकरण के लिए संक्षेपण’ [इसके बाद कालम (3) के रूप में संदर्भित] के अंतर्गत प्रविष्टि अंतिम एवं उससे संबंधित प्रविष्टि के बाद निम्नलिखित अन्तः स्थापित किया जाएगा, अर्थात् :—

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“मास्टर ऑफ सर्जरी (प्रसूति रोग विज्ञान तथा स्त्री रोग विज्ञान)”

एमएस (ओबीजी)

(यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी जब यह अमृता स्कूल ऑफ मेडिसिन, कोची, केरल में प्रशिक्षित किए जा रहे विद्यार्थियों के संबंध में अमृता विश्वा विद्यापीठम्, कोयम्बटूर द्वारा वर्ष मई, 2011 में अथवा उसके पश्चात् प्रदान की गई हो)

“मास्टर ऑफ सर्जरी (ईएनटी)”

एमएस (ईएनटी)

(यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी जब यह अमृता स्कूल ऑफ मेडिसिन, कोची, केरल में प्रशिक्षित किए जा रहे विद्यार्थियों के संबंध में अमृता विश्वा विद्यापीठम्, कोयम्बटूर द्वारा वर्ष मई, 2011 में अथवा उसके पश्चात् प्रदान की गई हो)

“डॉक्टर ऑफ मेडिसिन (जनरल मेडिसिन)”

एमडी (जनरल मेडिसिन)

(यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी जब यह अमृता स्कूल ऑफ मेडिसिन, कोची, केरल में प्रशिक्षित किए जा रहे विद्यार्थियों के संबंध में अमृता विश्वा विद्यापीठम्, कोयम्बटूर द्वारा वर्ष मई, 2011 में अथवा उसके पश्चात् प्रदान की गई हो)

(झ) “राजीव गांधी स्वास्थ्य विज्ञान विश्वविद्यालय, बंगलौर” के सामने शीर्षक ‘मान्यताप्राप्त चिकित्सा अर्हता’ [इसके बाद कालम (2) के रूप में संदर्भित] के अंतर्गत, शीर्षक ‘पंजीकरण के लिए संक्षेपण’ [इसके बाद कालम (3) के रूप में संदर्भित] के अंतर्गत प्रविष्टि अंतिम एवं उससे संबंधित प्रविष्टि के बाद निम्नलिखित अन्तः स्थापित किया जाएगा, अर्थात् :—

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“डॉक्टर ऑफ सर्जरी (ईएनटी)”

एमएस (ईएनटी)

(यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी जब यह एम.वी.जे. मेडिकल कालेज तथा अनुसंधान केंद्र, बंगलौर, कर्नाटक में

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“डॉक्टर ऑफ मेडिसिन (रोग विज्ञान)”

प्रशिक्षित किए जा रहे विद्यार्थियों के संबंध में “राजीव गांधी स्वास्थ्य विज्ञान विश्वविद्यालय, बंगलौर द्वारा वर्ष मई, 2011 में अथवा उसके पश्चात् प्रदान की गई हो)

एम डी (रोग विज्ञान)

(यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी जब यह एम.बी.जे. मेडिकल कालेज तथा अनुसंधान केंद्र, बंगलौर, कर्नाटक में प्रशिक्षित किए जा रहे विद्यार्थियों के संबंध में राजीव गांधी स्वास्थ्य विज्ञान विश्वविद्यालय, बंगलौर द्वारा वर्ष मई, 2011 में अथवा उसके पश्चात् प्रदान की गई हो)

“डॉक्टर ऑफ मेडिसिन (जनरल मेडिसिन)”

एम डी (जनरल मेडिसिन)

(यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी जब यह एम.बी.जे. मेडिकल कालेज तथा अनुसंधान केंद्र, बंगलौर, कर्नाटक में प्रशिक्षित किए जा रहे विद्यार्थियों के संबंध में राजीव गांधी स्वास्थ्य विज्ञान विश्वविद्यालय, बंगलौर द्वारा वर्ष मई, 2011 में अथवा उसके पश्चात् प्रदान की गई हो)

“डॉक्टर ऑफ मेडिसिन (संवेदनाहरण)”

एम डी (संवेदनाहरण)

(यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी जब यह एम.बी.जे. मेडिकल कालेज तथा अनुसंधान केंद्र, बंगलौर, कर्नाटक में प्रशिक्षित किए जा रहे विद्यार्थियों के संबंध में राजीव गांधी स्वास्थ्य विज्ञान विश्वविद्यालय, बंगलौर द्वारा वर्ष जून, 2011 में अथवा उसके पश्चात् प्रदान की गई हो)

“डॉक्टर ऑफ मेडिसिन (मनश्चिकित्सा)”

एम डी (मनश्चिकित्सा)

(यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी जब यह विदेशी आयुर्विज्ञान संस्थान तथा अनुसंधान केंद्र, बंगलौर, कर्नाटक में प्रशिक्षित किए जा रहे विद्यार्थियों के संबंध में राजीव गांधी स्वास्थ्य विज्ञान विश्वविद्यालय, बंगलौर द्वारा वर्ष मई, 2011 में अथवा उसके पश्चात् प्रदान की गई हो)

“डॉक्टर ऑफ मेडिसिन (रोग विज्ञान)”

एम डी (रोग विज्ञान)

(यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी जब यह के. वी. जी. मेडिकल कालेज सुल्लिया, कर्नाटक में प्रशिक्षित किए जा रहे विद्यार्थियों के संबंध में “राजीव गांधी स्वास्थ्य विज्ञान विश्वविद्यालय, बंगलौर द्वारा वर्ष मई, 2011 में अथवा उसके पश्चात् प्रदान की गई हो)

“संवेदनाहरण में डिप्लोमा”

डीए

(यह एक मान्यता प्राप्त चिकित्सा अर्हता होगी जब यह विदेशी आयुर्विज्ञान संस्थान, तथा अनुसंधान केंद्र, बंगलौर, कर्नाटक में प्रशिक्षित किए जा रहे विद्यार्थियों के संबंध में राजीव गांधी स्वास्थ्य विज्ञान विश्वविद्यालय, बंगलौर द्वारा वर्ष मई, 2011 में अथवा उसके पश्चात् प्रदान की गई हो)

“डॉक्टर ऑफ मेडिसिन (न्यायिक मेडिसिन)”

एम डी (न्यायिक मेडिसिन)

(यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी जब यह विदेशी आयुर्विज्ञान संस्थान तथा अनुसंधान केंद्र, बंगलौर, कर्नाटक में प्रशिक्षित किए जा रहे विद्यार्थियों के संबंध में राजीव गांधी स्वास्थ्य

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“डॉक्टर ऑफ मेडिसिन (शरीर रचना विज्ञान)”

“डिप्लोमा इन मेडिकल रेडियो डायग्नोसिस”

“डॉक्टर ऑफ मेडिसिन (शरीर रचना विज्ञान)”

“डॉक्टर ऑफ मेडिसिन (रोग विज्ञान)”

“डॉक्टर ऑफ मेडिसिन (जैव-रसायन)”

“डॉक्टर ऑफ मेडिसिन (सूक्ष्म जैविकी)”

“डॉक्टर ऑफ मेडिसिन (शरीर विज्ञान)”

(3)

विज्ञान विश्वविद्यालय, बंगलौर द्वारा वर्ष मई, 2011 में अथवा उसके पश्चात् प्रदान की गई हो)

एमडी (शरीर रचना विज्ञान)

(यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी जब यह विदेही आयुर्विज्ञान संस्थान तथा अनुसंधान केंद्र, बंगलौर, कर्नाटक में प्रशिक्षित किए जा रहे विद्यार्थियों के संबंध में राजीव गांधी स्वास्थ्य विज्ञान विश्वविद्यालय, बंगलौर द्वारा वर्ष मई, 2011 में अथवा उसके पश्चात् प्रदान की गई हो)

डीएमआरडी

(यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी जब यह विदेही आयुर्विज्ञान संस्थान तथा अनुसंधान केंद्र, बंगलौर, कर्नाटक में प्रशिक्षित किए जा रहे विद्यार्थियों के संबंध में राजीव गांधी स्वास्थ्य विज्ञान विश्वविद्यालय, बंगलौर द्वारा वर्ष मई, 2011 में अथवा उसके पश्चात् प्रदान की गई हो)

एमडी (शरीर रचना विज्ञान)

(यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी जब यह नवोदया मेडिकल कालेज, रायचुर, कर्नाटक में प्रशिक्षित किए जा रहे विद्यार्थियों के बारे में राजीव गांधी स्वास्थ्य विज्ञान विश्वविद्यालय, बंगलौर द्वारा वर्ष मई, 2011 या उसके बाद प्रदान की गई हो)

एमडी (रोग विज्ञान)

(यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी जब यह नवोदया मेडिकल कालेज, रायचुर, कर्नाटक में प्रशिक्षित किए जा रहे विद्यार्थियों के बारे में राजीव गांधी स्वास्थ्य विज्ञान विश्वविद्यालय, बंगलौर द्वारा वर्ष मई, 2011 या उसके बाद प्रदान की गई हो)

एम डी (जैव-रसायन)

(यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी जब यह नवोदया मेडिकल कालेज, रायचुर, कर्नाटक में प्रशिक्षित किए जा रहे विद्यार्थियों के बारे में राजीव गांधी स्वास्थ्य विज्ञान विश्वविद्यालय, बंगलौर द्वारा वर्ष मई, 2011 या उसके बाद प्रदान की गई हो)

एम डी (सूक्ष्म जैविकी)

(यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी जब यह नवोदया मेडिकल कालेज, रायचुर, कर्नाटक में प्रशिक्षित किए जा रहे विद्यार्थियों के बारे में राजीव गांधी यूनिवर्सिटी ऑफ हेल्थ साइंसेज, बंगलौर द्वारा वर्ष मई/जून, 2011 या उसके बाद प्रदान की गई हो)

एम डी (शरीर विज्ञान)

(यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी जब यह नवोदया मेडिकल कालेज, रायचुर, कर्नाटक में प्रशिक्षित किए जा रहे विद्यार्थियों के बारे में राजीव गांधी यूनिवर्सिटी ऑफ हेल्थ साइंसेज, बंगलौर द्वारा वर्ष मई, 2011 या उसके बाद प्रदान की गई हो)

(2)	(3)
“नेत्र विज्ञान में डिप्लोमा”	डी ओ (यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी जब यह नवोदया मेडिकल कालेज, रायचूर, कर्नाटक में प्रशिक्षित किए जा रहे विद्यार्थियों के संबंध में राजीव गांधी यूनिवर्सिटी ऑफ हेल्थ साइंसेज, बंगलौर द्वारा मई, 2011 में अथवा उसके पश्चात् प्रदान की गई हो)
(ज) : “तमिलनाडु डॉ. एमजीआर मेडिकल यूनिवर्सिटी, चेन्नई” के सामने ‘मान्यताप्राप्त चिकित्सा अर्हता’ शीर्षक [इसके बाद कालम 2) के रूप में संदर्भित] के अंतर्गत ‘सामने पंजीकरण के लिए संक्षेपण’ [इसके बाद कालम (3) के रूप में संदर्भित] के अंतर्गत प्रविष्टि अंतिम एवं उससे संबंधित प्रविष्टि के बाद निम्नलिखित को अंतः स्थापित किया जाएगा, अर्थात् :—	
(2)	(3)
“मास्टर ऑफ सर्जरी (प्रसूति रोग विज्ञान तथा स्त्री रोग विज्ञान)”	एमएस (प्रसूति विज्ञान और स्त्री रोग विज्ञान) (यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी जब यह चेंगालपट्टा मेडिकल कॉलेज, चेंगाल पट्टा, तमिलनाडु में प्रशिक्षित किए जा रहे विद्यार्थियों के संबंध में डॉ. एमजीआर मेडिकल यूनिवर्सिटी, चेन्नई द्वारा मई, 2011 या उसके बाद प्रदान की गई हो)
(ट) : “पश्चिम बंगाल यूनिवर्सिटी ऑफ हेल्थ साइंसेज, कोलकाता” के सामने ‘मान्यताप्राप्त चिकित्सा अर्हता’ शीर्षक [इसके बाद कालम (2) के रूप में संदर्भित] के अंतर्गत ‘सामने पंजीकरण के लिए संक्षेपण’ [इसके बाद कालम (3) के रूप में संदर्भित] के अंतर्गत प्रविष्टि तैम एवं उससे संबंधित प्रविष्टि के बाद निम्नलिखित को अंतः स्थापित किया जाएगा, अर्थात् :—	
(2)	(3)
“डॉक्टर ऑफ मेडिसिन (श्वसनीय चिकित्सा)”	एम डी (श्वसनीय चिकित्सा) (यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी जब यह वर्धमान मेडिकल कॉलेज वर्धमान, पश्चिम बंगाल में प्रशिक्षित किए जा रहे विद्यार्थियों के बारे में पश्चिम बंगाल यूनिवर्सिटी ऑफ हेल्थ साइंसेज, कोलकाता द्वारा मई, 2011 या उसके बाद प्रदान की गई हो)
“डॉक्टर ऑफ मेडिसिन (रोग विज्ञान)”	एम डी (रोग विज्ञान) (यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी जब यह वर्धमान मेडिकल कॉलेज वर्धमान, पश्चिम बंगाल में प्रशिक्षित किए जा रहे विद्यार्थियों के बारे में पश्चिम बंगाल यूनिवर्सिटी ऑफ हेल्थ साइंसेज, कोलकाता द्वारा मई, 2011 या उसके बाद प्रदान की गई हो)
“डॉक्टर ऑफ मेडिसिन (बाल चिकित्सा)”	एम डी (बाल चिकित्सा) (यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी जब यह कमांड अस्पताल, कोलकाता, पश्चिम बंगाल में प्रशिक्षित किए जा रहे विद्यार्थियों के संबंध में पश्चिम बंगाल यूनिवर्सिटी ऑफ हेल्थ साइंसेज, कोलकाता वर्ष जून, 2009 या उसके बाद प्रदान की गई हो)
“डॉक्टर ऑफ मेडिसिन (बाल चिकित्सा)”	एम डी (बाल चिकित्सा) (यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी जब यह स्नातकोत्तर मेडिकल शिक्षा तथा अनुसंधान कोलकाता, पश्चिम बंगाल में प्रशिक्षित किए जा रहे विद्यार्थियों के संबंध में पश्चिम बंगाल यूनिवर्सिटी ऑफ हेल्थ साइंसेज, कोलकाता, पश्चिम बंगाल द्वारा जून, 2011 या उसके बाद प्रदान की गई हो)

(2)

(3)

“मास्टर ऑफ सर्जरी (नेत्र विज्ञान)”

एम. एस. (नेत्र विज्ञान)

(यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी जब यह कलकत्ता राष्ट्रीय मेडिकल कॉलेज, कोलकाता, पश्चिम बंगाल में प्रशिक्षित किए जा रहे विद्यार्थियों के बारे में पश्चिम बंगाल यूनिवर्सिटी ऑफ हेल्थ साइंसेज, कोलकाता द्वारा अप्रैल, 2011 या उसके बाद प्रदान की गई हो)

सभी नोट करें कि : 1. स्नातकोत्तर पाठ्यक्रम को प्रदान की गई मान्यता अधिकतम 5 वर्ष तक की अवधि के लिए होगी जिसके पश्चात् इसे नवीकृत करवाना होगा।

2. उपखंड 4 में यथापेक्षित मान्यता को समय से नवीकृत न करवाने के परिणामस्वरूप संबंधित स्नातकोत्तर पाठ्यक्रम में दाखिले निरपवाद रूप से बंद हो जाएंगे।

[संख्या यू. 12012/76/2011-एमई(पी-II)]

अनिता त्रिपाठी, अवर सचिव

MINISTRY OF HEALTH AND FAMILY WELFARE

(Department of Health and Family Welfare)

New Delhi, the 28th September, 2011

S.O. 3678.—In exercise of the powers conferred by sub-section (2) of Section 11 of the Indian Medical Council Act, 1956 (102 of 1956), the Central Government, after consulting the Medical Council of India, hereby, makes the following further amendments in the First Schedule to the said Act, namely :—

In the said Schedule —

(a) against “Dr. NTR University of Health Sciences, Vijayawada” under the heading ‘Recognised Medical Qualification’ [hereinafter referred to as column (2)], after the last entry and entry relating thereto under the heading ‘Abbreviation for Registration’ [hereinafter referred to as column (3)], the following shall be inserted, namely :—

(2)

(3)

“Master of Surgery (Obstetrics & Gynaecology)”

MS(OBG)

(This shall be a recognised medical qualification when granted by Dr. NTR University of Health Sciences, Vijayawada in respect of students being trained at Siddhartha Medical College, Vijayawada, Andhra Pradesh on or after May, 2011.)

“Diploma in Medical Radio Diagnosis”

DMRD

(This shall be a recognised medical qualification when granted by Dr. NTR University of Health Sciences, Vijayawada in respect of students being trained at Deccan College of Medical Sciences, Hyderabad, Andhra Pradesh on or after May, 2011.)

(b) against “Sri Venkateshwara Institute of Medical Sciences (Deemed University), Tirupati” under the heading ‘Recognised Medical Qualification’ [hereinafter referred to as column (2)], after the last entry and entry relating thereto under the heading ‘Abbreviation for Registration’ [hereinafter referred to as column (3)], the following shall be inserted, namely :—

(2)

(3)

“Doctor of Medicine (General Medicine)”

MD (General Medicine)

(This shall be a recognised medical qualification when granted by Sri Venkateshwara Institute of Medical Sciences

(2)

(3)

(Deemed University), Tirupati in respect of students being trained at Sri Venkateshwara Institute of Medical Sciences, Tirupati, Andhra Pradesh on or after April, 2011.)

(c) against “B. N. Mandal University, Madhepura, Bihar” under the heading ‘Recognised Medical Qualification’ [hereinafter referred to as column (2)], after the last entry and entry relating thereto under the heading ‘Abbreviation for Registration’ [hereinafter referred to as column (3)], the following shall be inserted, namely :—

(2)

(3)

“Master of Surgery (Ophthalmology)”

MS (Ophth.)

(This shall be a recognised medical qualification when granted by B. N. Mandal University, Madhepura, Bihar in respect of students being trained at Mata Gujri Medical College, Kishanganj, Bihar on or after May, 2011.)

“Diploma in Ophthalmology)”

DO

(This shall be a recognised medical qualification when granted by B.N. Mandal University, Madhepura, Bihar in respect of students being trained at Mata Gujri Medical College, Kishanganj, Bihar on or after May, 2011.)

“Doctor of Medicine (Anaesthesia)”

MD (Anaesthesia)

(This shall be a recognised medical qualification when granted by B.N. Mandal University, Madhepura, Bihar in respect of students being trained at Mata Gujri Medical College, Kishanganj, Bihar on or after May, 2011.)

(d) against “Bhavnagar University, Bhavnagar, Gujarat” under the heading ‘Recognised Medical Qualification’ [hereinafter referred to as column (2)], after the last entry and entry relating thereto under the heading ‘Abbreviation for Registration’ [hereinafter referred to as column (3)], the following shall be inserted, namely :—

(2)

(3)

“Diploma in Microbiology”

D Micro.

(This shall be a recognised medical qualification when granted by Bhavnagar University, Bhavnagar, Gujarat in respect of students being trained at Govt. Medical College, Bhavnagar, Gujarat on or after March, 2011.)

(e) against “Saurashtra University, Rajkot, Gujarat” under the heading ‘Recognised Medical Qualification’ [hereinafter referred to as column (2)], after the last entry and entry relating thereto under the heading ‘Abbreviation for Registration’ [hereinafter referred to as column (3)], the following shall be inserted, namely :—

(2)

(3)

“Doctor of Medicine (Paediatrics)”

MD (Paediatrics)

(This shall be a recognised medical qualification when granted by Saurashtra University, Rajkot, Gujarat in respect of students being trained at Pandit Deendayal Upadhyay Medical College, Rajkot, Gujarat on or after May, 2011.)

“Diploma in Child Health”

DCH

(This shall be a recognised medical qualification when granted by Saurashtra University, Rajkot, Gujarat in respect of students being trained at Pandit Deendayal Upadhyay Medical College, Rajkot, Gujarat on or after May, 2011.)

(2)	(3)
“Diploma in Obstetrics & Gynaecology”	DGO (This shall be a recognised medical qualification when granted by Saurashtra University, Rajkot, Gujarat in respect of students being trained at Pandit Deendayal Upadhyay Medical College, Rajkot, Gujarat on or after June, 2011.)

(f) against “Goa University, Goa” under the heading ‘Recognised Medical Qualification’ [hereinafter referred to as column (2)], after the last entry and entry relating thereto under the heading ‘Abbreviation for Registration’ [hereinafter referred to as column (3)], the following shall be inserted, namely :—

(2)	(3)
“Doctor of Medicine (Dermatology, Venerology & Leprosy)”	MD (DVL) (This shall be a recognised medical qualification when granted by Goa University Goa in respect of students being trained at Goa Medical College, Panaji Goa on or after 1983.)

(g) against “Sher-I-Kashmir Institute of Medical Sciences (Deemed University) J&K” under the heading ‘Recognised Medical Qualification’ [hereinafter referred to as column (2)], after the last entry and entry relating thereto under the heading ‘Abbreviation for Registration’ [hereinafter referred to as column (3)], the following shall be inserted, namely :—

(2)	(3)
“Doctor of Medicine (Gastroentology)”	DM (Gastroentology) (This shall be a recognised medical qualification when granted by Sher-I-Kashmir Institute of Medical Sciences (Deemed University) J & K in respect of students being trained at Sher-I-Kashmir Institute of Medical Sciences, J & K on or after 1995.)

(h) against “Amrita Vishwa Vidyapeetham, Coimbatore” under the heading ‘Recognised Medical Qualification’ [hereinafter referred to as column (2)], after the last entry and entry relating thereto under the heading ‘Abbreviation for Registration’ [hereinafter referred to as column (3)], the following shall be inserted, namely :—

(2)	(3)
“Master of Surgery (Obstetrics & Gynaecology)”	MS (OBG) (This shall be a recognised medical qualification when granted by Amrita Vishwa Vidyapeetham, Coimbatore in respect of students being trained at Amrita School of Medicine, Kochi, Kerala on or after May, 2011.)
“Master of Surgery (ENT)”	MS (ENT) (This shall be a recognised medical qualification when granted by Amrita Vishwa Vidyapeetham, Coimbatore in respect of students being trained at Amrita School of Medicine, Kochi, Kerala on or after May, 2011.)
“Doctor of Medicine (General Medicine)”	MD (General Medicine) (This shall be a recognised medical qualification when granted by Amrita Vishwa Vidyapeetham, Coimbatore in respect of students being trained at Amrita School of Medicine, Kochi, Kerala on or after May, 2011.)

(i) against “Rajiv Gandhi University of Health Sciences, Bangalore” under the heading ‘Recognised Medical Qualification’ [hereinafter referred to as column (2)], after the last entry and entry relating thereto under the heading ‘Abbreviation for Registration’ [hereinafter referred to as column (3)], the following shall be inserted, namely :—

(2)	(3)
“Master of Surgery (ENT)”	MS (ENT) (This shall be a recognised medical qualification when granted by Rajiv Gandhi University of Health Sciences, Bangalore in respect of students being trained at M.V.J. Medical College & Research Centre, Bangalore, Karnataka on or after May, 2011.)
“Doctor of Medicine (Pathology)”	MD (Pathology) (This shall be a recognised medical qualification when granted by Rajiv Gandhi University of Health Sciences, Bangalore in respect of students being trained at M.V.J. Medical College & Research Centre, Bangalore, Karnataka on or after May, 2011.)
“Doctor of Medicine (General Medicine)”	MD (General Medicine) (This shall be a recognised medical qualification when granted by Rajiv Gandhi University of Health Sciences, Bangalore in respect of students being trained at M.V.J. Medical College & Research Centre, Bangalore, Karnataka on or after May, 2011.)
“Doctor of Medicine (Anaesthesia)”	MD (Anaesthesia) (This shall be a recognised medical qualification when granted by Rajiv Gandhi University of Health Sciences, Bangalore in respect of students being trained at M.V.G. Medical College & Research Centre, Bangalore, Karnataka on or after June, 2011.)
“Doctor of Medicine (Psychiatry)”	MD (Psychiatry) (This shall be a recognised medical qualification when granted by Rajiv Gandhi University of Health Sciences, Bangalore in respect of students being trained at M.V.J. Medical College & Research Centre, Bangalore, Karnataka on or after May, 2011.)
“Doctor of Medicine (Pathology)”	MD (Pathology) (This shall be a recognised medical qualification when granted by Rajiv Gandhi University of Health Sciences, Bangalore in respect of students being trained at K.V.G. Medical College, Sullia, Karnataka on or after May, 2011.)
“Diploma in Anaesthesia”	DA (This shall be a recognised medical qualification when granted by Rajiv Gandhi University of Health Sciences, Bangalore in respect of students being trained at Vydehi Institute of Medical Sciences & Research Centre, Bangalore, Karnataka on or after May, 2011.)
“Doctor of Medicine (Forensic Medicine)”	MD (Forensic Medicine) (This shall be a recognised medical qualification when granted by Rajiv Gandhi University of Health Sciences, Bangalore in respect of students being trained at Vydehi Institute of Medical Sciences & Research Centre, Bangalore, Karnataka on or after May, 2011.)
“Doctor of Medicine (Anatomy)”	MD (Anatomy) (This shall be a recognised medical qualification when granted by Rajiv Gandhi University of Health Sciences,

(2)	(3)
“Diploma in Medical Radio Diagnosis”	<p>Bangalore in respect of students being trained at Vydehi Institute of Medical Sciences & Research Centre, Bangalore, Karnataka on or after May, 2011.)</p> <p>DMRD</p> <p>(This shall be a recognised medical qualification when granted by Rajiv Gandhi University of Health Sciences, Bangalore in respect of students being trained at Vydehi Institute of Medical Sciences & Research Centre, Bangalore, Karnataka on or after May, 2011.)</p>
“Doctor of Medicine (Anatomy)”	<p>MD (Anatomy)</p> <p>(This shall be a recognised medical qualification when granted by Rajiv Gandhi University of Health Sciences, Bangalore in respect of students being trained at Navodaya Medical College, Raichur, Karnataka on or after May, 2011.)</p>
“Doctor of Medicine (Pathology)”	<p>MD (Pathology)</p> <p>(This shall be a recognised medical qualification when granted by Rajiv Gandhi University of Health Sciences, Bangalore in respect of students being trained at Navodaya Medical College, Raichur, Karnataka on or after May, 2011.)</p>
“Doctor of Medicine (Biochemistry)”	<p>MD (Biochemistry)</p> <p>(This shall be a recognised medical qualification when granted by Rajiv Gandhi University of Health Sciences, Bangalore in respect of students being trained at Navodaya Medical College, Raichur, Karnataka on or after May, 2011.)</p>
“Doctor of Medicine (Microbiology)”	<p>MD (Microbiology)</p> <p>(This shall be a recognised medical qualification when granted by Rajiv Gandhi University of Health Sciences, Bangalore in respect of students being trained at Navodaya Medical College, Raichur, Karnataka on or after May, June 2011.)</p>
“Doctor of Medicine (Physiology)”	<p>MD (Physiology)</p> <p>(This shall be a recognised medical qualification when granted by Rajiv Gandhi University of Health Sciences, Bangalore in respect of students being trained at Navodaya Medical College, Raichur, Karnataka on or after May, 2011.)</p>
“Diploma in Ophthalmology”	<p>DO</p> <p>(This shall be a recognised medical qualification when granted by Rajiv Gandhi University of Health Sciences, Bangalore in respect of students being trained at Navodaya Medical College, Raichur, Karnataka on or after May, 2011.)</p>

(j) against “The Tamilnadu Dr. MGR Medical University, Chennai” under the heading ‘Recognised Medical Qualification’ [hereinafter referred to as column (2)], after the last entry and entry relating thereto under the heading ‘Abbreviation for Registration’ [hereinafter referred to as column (3)], the following shall be inserted, namely :—

(2)	(3)
“Master of Surgery (Obstetrics & Gynaecology)”	MS(OBG) (This shall be a recognised medical qualification when granted by The Tamilnadu Dr. MGR Medical University, Chennai in respect of students being trained at Chengalpattu Medical College, Chengalpattu, Tamilnadu on or after May, 2011.)

(f) against “The Wst Bengal University of Health Sciences, Kolkata” under the heading ‘Recognised Medical Qualification’ [hereinafter referred to as column (2)], after the last entry and entry relating thereto under the heading ‘Abbreviation for Registration’ [hereinafter referred to as column (3)], the following shall be inserted, namely :—

(2)	(3)
“Doctor of Medicine (Respiratory Medicine)”	MS (Respiratory Medicine) (This shall be a recognised medical qualification when granted by The West Benal University of Health Sciences, Kolkata in respect of students being trained at Burdwan Medical College, Burdwan, West Bengal on or after May, 2011.)
“Doctor of Medicine (Pathology)”	MD (Pathology) (This shall be a recognised medical qualification when granted by The West Benal University of Health Sciences, Kolkata in respect of students being trained at Burdwan Medical College, Burdwan, West Bengal on or after May, 2011.)
“Doctor of Medicine (Paediatrics)”	MD (Paediatrics) (This shall be a recognised medical qualification when granted by The West Benal University of Health Sciences, Kolkata in respect of students being trained at Command Hospital, Kolkata, West Bengal on or after 2009.)
“Doctor of Medicine (Paediatrics)”	MD (Paediatrics) (This shall be a recognised medical qualification when granted by The West Benal University of Health Sciences, Kolkata in respect of students being trained at Institute of Post Graduate Medical Education & Research, Kolkata, West Bengal on or after June, 2011.)
“Master of Surgery (Ophthalmology)”	MS (Ophthalmology) (This shall be a recognised medical qualification when granted by The West Benal University of Health Sciences, Kolkata in respect of students being trained at Calcutta National Medical College, Kolkata, West Bengal on or after April, 2011.)

- Note to all:**
1. The recognition so granted to a Postgraduate Course shall be for a maximum period of 5 years, upon which it shall have to be renewed.
 2. Failure to seek timely renewal of recognition as required in sub-clause-4 shall invariably result in stoppage of admissions to the concerned Postgraduate Course.

नई दिल्ली, 27 अक्टूबर, 2011

का. आ. 3679.—केंद्र सरकार, दन्त चिकित्सक अधिनियम, 1948 (1948 का 16) की धारा 10 की उप-धारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारतीय दन्त चिकित्सा परिषद् से परामर्श करने के बाद और इस मंत्रालय की दिनांक 29-9-2009 की समसंख्यक अधिसूचना का अधिक्रमण करते हुए एतद्वारा उक्त अधिनियम की अनुसूची के भाग-1 में निम्नलिखित संशोधन करती है, नामतः—

2. महाराष्ट्र स्वास्थ्य विज्ञान विश्वविद्यालय, नासिक, द्वारा प्रदान की जाने वाली दन्त-चिकित्सा डिग्रियों की मान्यता के संबंध में दन्त-चिकित्सक अधिनियम, 1948 (1948 का 16) की अनुसूची के भाग-1 में, नायर अस्पताल दन्त चिकित्सा महाविश्वविद्यालय, मुम्बई के संबंध में क्रम संख्या 60 के 1 के समाने कॉलम 2 तथा 3 की मौजूदा प्रविष्टियों में निम्नलिखित प्रविष्टियाँ अतः स्थापित की जाएंगी :-

“आर्थोडोन्टिक्स एण्ड डेन्टोफेशियल आर्थोपेडिक्स

(यदि यह दिनांक 06-07-2010 को अथवा उसके
पश्चात् प्रदान की गई हो)

एमडीएस (आर्थो) महाराष्ट्र
यूनिवर्सिटी ऑफ हेल्थ साइंसेज, नासिक ”

[फा. सं. वी-12018/01/2009-डी ई]

अनिता त्रिपाठी, अवर सचिव

New Delhi, the 27th October, 2011

S. O. 3679.—In exercise of the powers conferred by sub-section (2) of Section 10 of the Dentists Act, 1948 (16 of 1948), the Central Government, after consultation with the Dental Council of India and in supersession of the Ministry's Notification of even No. dated 29-9-2009, hereby, makes the following amendments in Part-I of the Schedule to the said Act, namely :—

2. In the existing entries of column 2 and 3 against of Serial No. 60, in respect of Nair Hospital Dental College, Mumbai in Part-I of the Schedule to the Dentists Act, 1948 (16 of 1948) pertaining to recognition of dental degrees awarded by Maharashtra University of Health Sciences, Nashik, the following entries shall be inserted thereunder :—

“Orthodontics & Dentofacial Orthopedics

(if granted on or after 06-7-2010)

MDS (Ortho.), Maharashtra
University of Health Sciences, Nashik”

[F. No. V-12018/1/2009-DE]

ANITA TRIPATHI, Under Secy.

नई दिल्ली, 31 अक्टूबर, 2011

का. आ. 3680.—केंद्र सरकार, दन्त चिकित्सक अधिनियम, 1948 (1948 का 16) की धारा 10 की उप-धारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारतीय दन्त चिकित्सा परिषद् से परामर्श करके, उक्त अधिनियम की अनुसूची के भाग-1 में एतद्वारा निम्नलिखित संशोधन करती है, नामतः—

2. हिमाचल प्रदेश विश्वविद्यालय, शिमला, द्वारा प्रदान की जा रही दन्त-चिकित्सा डिग्रियों की मान्यता के बारे में दन्त चिकित्सा अधिनियम, 1948 (1948 का 16) की अनुसूची के भाग-1 में क्रम संख्या 52 के समक्ष कॉलम 2 तथा 3 की मौजूदा प्रविष्टियों में निम्नलिखित प्रविष्टियाँ इसके अंतर्गत अतः स्थापित की जाएंगी :-

“1 हिमाचल डेंटल कालेज, सुंदरनगर

(ii) मास्टर ऑफ डेंटल सर्जरी

आर्थोडोन्टिक्स एवं डेन्टोफेशियल आर्थोपेडिक्स
(यदि यह दिनांक 26-5-2011 को अथवा
उसके पश्चात् प्रदान की गई हो)

एम डी एस (आर्थोडोन्टिक्स एवं डेन्टोफेशियल
आर्थोपेडिक्स)
हिमाचल प्रदेश, शिमला”

[सं. वी-12017/69/2005-डी ई]

अनिता त्रिपाठी, अवर सचिव

New Delhi, the 31st October, 2011

S. O. 368 : In exercise of the powers conferred by sub-section (2) of Section 10 of the Dentists Act, 1948 (16 of 1948), the Central Government, after consultation with Dental Council of India, hereby, makes the following amendments in

Part-I of the Schedule to the said Act, namely :—

2. In the existing entries of column 2 and 3 against Serial No. 52, in Part-I of the Schedule to the Dentists Act, 1948 (16 of 1948) pertaining to recognition of dental degrees awarded by Himachal Pradesh University, Shimla, the following entries shall be inserted thereunder :—

“ I Himachal Dental College, Sundernagar

(ii) Master of Dental Surgery

Orthodontics & Dentofacial Orthopedics

(if granted on or after 26-5-2011)

MDS (Ortho. & Dentofacial Orthopedics)
Himachal Pradesh University Shimla”

[No. V-12017/69/2005-DE]

ANITA TRIPATHI, Under Secy.

नई दिल्ली, 31 अक्टूबर, 2011

का. आ. 3681.—केंद्र सरकार, दन्त चिकित्सक अधिनियम, 1948 (1948 का 16) की धारा 10 की उप-धारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार, भारतीय दन्त चिकित्सा परिषद् से परामर्श करके, उक्त अधिनियम की अनुसूची के भाग-I में एतद्वारा निम्नलिखित संशोधन करती है, नामतः :—

2. बरकातुल्ला विश्वविद्यालय, भोपाल, द्वारा प्रदान की जा रही दन्त-चिकित्सा डिग्रियों की मान्यता के बारे में दन्त-चिकित्सक अधिनियम, 1948 (1948 का 16) की अनुसूची के भाग-I में बीएसपीएस डेंटल कॉलेज एवं रिसर्च सेंटर, नागपुर, महाराष्ट्र के संबंध में क्रम संख्या 69 के समक्ष कॉलम 2 तथा 3 की मौजूदा प्रविष्टियों में निम्नलिखित प्रविष्टियाँ इसके अंतर्गत अतः स्थापित की जाएंगी :—

“ V मानसरोवर डेंटल कालेज, भोपाल (मध्य प्रदेश)

(i) बैचलर ऑफ डेंटल सर्जरी

(यदि दिनांक 25-8-2011 को अथवा उसके पश्चात् प्रदान की गई हो)

बीडीएस

बरकातुल्ला विश्वविद्यालय, भोपाल”

[सं. वी-12017/99/2005-डी ई]

अनिता त्रिपाठी, अवर सचिव

New Delhi, the 31st October, 2011

S. O. 3681.—In exercise of the powers conferred by sub-section (2) of Section 10 of the Dentists Act, 1948 (16 of 1948), the Central Government, after consultation with the Dental Council of India, hereby, makes the following amendments in Part-I of the Schedule to the said Act, namely :—

2. In the existing entries of column 2 and 3 against Serial No. 69, in Part-I of the Schedule to the Dentists Act, 1948 (16 of 1948) pertaining to recognition of dental degrees awarded by Barkatullah University Bhopal, the following entries shall be inserted thereunder :—

“V. Mansarovar Dental College, Bhopal (M.P.)

(i) Bachelor of Dental Surgery

(if granted on or after 25-8-2011)

BDS, Barkatullah University, Bhopal”

[F.No. V-12017/99/2005-DE]

ANITA TRIPATHI, Under Secy.

नई दिल्ली, 31 अक्टूबर, 2011

का. आ. 3682.—केंद्रीय सरकार, दन्त चिकित्सक अधिनियम, 1948 (1948 का 16) की धारा 10 की उप-धारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारतीय दन्त चिकित्सा परिषद् से परामर्श करके, उक्त अधिनियम की अनुसूची के भाग-I में एतद्वारा निम्नलिखित संशोधन करती है, नामतः :—

2. चौधरी चरण सिंह विश्वविद्यालय, मेरठ द्वारा प्रदान की जा रही दन्त चिकित्सा डिग्रियों की मान्यता के बारे में दन्त चिकित्सा अधिनियम, 1948 (1948 का 16) की अनुसूची के भाग-I में क्रम संख्या 56 के समक्ष कॉलम 2 तथा 3 की मौजूदा प्रविष्टियों में निम्नलिखित प्रविष्टियां इसके अंतर्गत अंतः स्थापित की जाएंगी :—

“IX कालका डेंटल कालेज, मेरठ (उत्तर प्रदेश)

(i) बैलचर ऑफ डेंटल सर्जरी

बी डी एस

(यदि यह दिनांक 5-5-2011 को अथवा उसके

चौधरी चरण सिंह विश्वविद्यालय, मेरठ”

पश्चात् प्रदान की गई हो)।

[फा. सं. वी-12017/106/2005-डी ई]

अनिता त्रिपाठी, अवर सचिव

New Delhi, the 31st October, 2011

S. O. 3682.—In exercise of the powers conferred by sub-section (2) of Section 10 of the Dentists Act, 1948 (16 of 1948), the Central Government, after consultation with Dental Council of India, hereby, makes the following amendments in Part-I of the Schedule to the said Act, namely :—

2. In the existing entries of columns 2 and 3 against Serial No. 56, in Part-I of the Schedule to the Dentists Act, 1948 (16 of 1948) pertaining to recognition of dental degrees awarded by Ch. Charan Singh University, Meerut, the following entries shall be inserted thereunder :—

“IX Kalka Dental College, Meerut (U.P.)

(i) Bachelor of Dental Surgery

BDS

(if granted on or after 5-5-2011)

Ch. Charan Singh University, Meerut”

[F.No. V-12017/106/2005-DE]

ANITA TRIPATHI, Under Secy.

नई दिल्ली, 1 नवम्बर, 2011

का. आ. 3683.—केंद्रीय सरकार, दन्त चिकित्सक अधिनियम, 1948 (1948 का 16) की धारा 10 की उप-धारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारतीय दन्त चिकित्सा परिषद् से परामर्श करने के बाद और इस मंत्रालय की दिनांक 29-9-2009 की समसंख्यक अधिसूचना का अधिक्रमण करते हुए एतद्वारा उक्त अधिनियम की अनुसूची के भाग-I में निम्नलिखित और संशोधन करती है, नामतः :—

2. द तमिलनाडु डा. एमजीआर चिकित्सा विश्वविद्यालय, चेन्नई द्वारा प्रदान की जाने वाली दन्त-चिकित्सा डिग्रियों की मान्यता के संबंध में दन्त-चिकित्सक अधिनियम, 1948 (1948 का 16) की अनुसूची के भाग-I में क्रम संख्या 34 के समाने कॉलम 2 और 3 की मौजूदा प्रविष्टियों में निम्नलिखित प्रविष्टियां अंतः स्थापित की जाएंगी :—

“XXI टेगोर डेंटल कालेज एंड हॉस्पिटल,

चेन्नई, तमिलनाडु

(i) बैलचर ऑफ डेंटल सर्जरी

बी डी एस

(यदि यह दिनांक 18-8-2011 को अथवा उसके

द तमिलनाडु डा. एमजीआर चिकित्सा

पश्चात् प्रदान की गई हो)।

विश्वविद्यालय, चेन्नई”

[सं. वी-12017/46/2004-डी ई]

अनिता त्रिपाठी, अवर सचिव

New Delhi, the 1st November, 2011

S. O. 3683.—In exercise of the powers conferred by sub-section (2) of Section 10 of the Dentists Act, 1948 (16 of 1948), the Central Government, after consultation with Dental Council of India hereby, makes the following amendments in Part-I of the Schedule to the said Act, namely :—

2. In the existing entries of columns 2 and 3 against Serial No. 34, in Part-I of the Schedule to the Dentists Act, 1948 (16 of 1948) pertaining to recognition of dental degrees awarded by The Tamil Nadu Dr. MGR Medical University, Chennai, the following entries shall be inserted thereunder :—

**“XXI Tagore Dental College & Hospital,
Chennai, Tamil Nadu**

(i) Bachelor of Dental Surgery
(if granted on or after 18-8-2011)

BDS

The Tamil Nadu Dr. MGR Medical University,
Chennai”

[F. No. V-12017/46/2004-DE]

ANITA TRIPATHI, Under Secy.

नई दिल्ली, 8 नवम्बर, 2011

का. आ. 3684.—केंद्रीय सरकार, दन्त चिकित्सक अधिनियम, 1948 (1948 का 16) की धारा 10 की उप-धारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारतीय दन्त चिकित्सा परिषद् से परामर्श करने के बाद और इस मंत्रालय की दिनांक 29-9-2009 की सभसंख्यक अधिसूचना का अधिक्रमण करते हुए एतद्द्वारा उक्त अधिनियम की अनुसूची के भाग-I में निम्नलिखित और संशोधन करती है, नामतः :—

2. चौधरी चरण सिंह विश्वविद्यालय, मेरठ द्वारा प्रदान की जाने वाली दन्त-चिकित्सा डिग्रियों की मान्यता के संबंध में दन्त-चिकित्सक अधिनियम, 1948 (1948 का 16) की अनुसूची के भाग-I में क्रम संख्या 56 के सामने कॉलम 2 तथा 3 की मौजूदा प्रविष्टियों में निम्नलिखित प्रविष्टियां अंतः स्थापित की जाएंगी :—

**“(V) कृष्णा डेंटल कालेज, गाजियाबाद
(उत्तर प्रदेश)**

(i) बैलचर ऑफ डेंटल सर्जरी

बी डी एस

(यदि यह एक बारगी उपाय के रूप में केवल शैक्षणिक सत्र 2006-07 के दौरान दाखिल किए गए बीडीएस विद्यार्थियों के दूसरे बैच को प्रदान की गई हो। भविष्य में इसे पूर्वोदाहरण के रूप में नहीं देखा जाना चाहिए)।

चौधरी चरण सिंह विश्वविद्यालय, मेरठ”

[फा. सं. वी-12017/22/2004-डी ई]

अनिता त्रिपाठी, अवर सचिव

New Delhi, the 8th November, 2011

S. O. 3684.—In exercise of the powers conferred by sub-section (2) of Section 10 of the Dentists Act, 1948 (16 of 1948), the Central Government, after consultation with Dental Council of India hereby, makes the following amendments in Part-I of the Schedule to the said Act, namely :—

2. In the existing entries of columns 2 and 3 against Serial No. 56, in Part-I of the Schedule to the Dentists Act, 1948 (16 of 1948) pertaining to recognition of dental degrees awarded by Ch. Charan Singh University, Meerut, the following entries shall be inserted thereunder :—

**“V Krishna Dental College, Ghaziabad
(Uttar Pradesh)**

(i) Bachelor of Dental Surgery

BDS

(if granted to the second batch of BDS students admitted during the academic session 2007-07 only as a one time measure not to be quoted as precedent in future)

Ch. Charan Singh University, Meerut”

[F. No. V-12017/22/2004-DE]

ANITA TRIPATHI, Under Secy.

नई दिल्ली, 8 नवम्बर, 2011

का. आ. 3685.—केंद्रीय सरकार, दन्त चिकित्सक अधिनियम, 1948 (1948 का 16) की धारा 10 की उप-धारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारतीय दन्त चिकित्सा परिषद् से परामर्श करने के बाद और इस मंत्रालय की दिनांक 29-9-2009 की समसंख्यक अधिसूचना का अधिक्रमण करते हुए एतद्वारा उक्त अधिनियम की अनुसूची के भाग-1 में निम्नलिखित और संशोधन करती है, नामतः :—

2. द तमिलनाडु डा. एमजीआर चिकित्सा विश्वविद्यालय, चेन्नई द्वारा प्रदान की जाने वाली दन्त-चिकित्सा डिग्रियों की मान्यता के संबंध में दन्त-चिकित्सक अधिनियम, 1948 (1948 का 16) की अनुसूची के भाग-1 में क्रम संख्या 34 के समाने कॉलम 2 और 3 की मौजूदा प्रविष्टियों में निम्नलिखित प्रविष्टियां अंतः स्थापित की जाएंगी :—

**“XXIII बेस्ट डेंटल साइंस कालेज, मदुरै
तमिलनाडु**

(i) बैलचर ऑफ डेंटल सर्जरी
(यदि यह दिनांक 18-8-2011 को अथवा उसके
पश्चात् प्रदान की गई हो) ।

बीडीएस
द तमिलनाडु डा. एमजीआर चिकित्सा
विश्वविद्यालय, चेन्नई”

[फा. सं. वी-12017/1/2005-डी ई]

अनिता त्रिपाठी, अवर सचिव

New Delhi, the 8th November, 2011

S. O. 3685.—In exercise of the powers conferred by sub-section (2) of Section 10 of the Dentists Act, 1948 (16 of 1948), the Central Government, after consultation with Dental Council of India hereby, makes the following amendments in Part-I of the Schedule to the said Act, namely :—

2. In the existing entries of columns 2 and 3 against Serial No. 34, in Part-I of the Schedule to the Dentists Act, 1948 (16 of 1948) pertaining to recognition of dental degrees awarded by The Tamil Nadu Dr. MGR Medical University, Chennai, the following entries shall be inserted thereunder :—

**“XXIII Best Dental Science College,
Madurai, Tamil Nadu**

Bachelor of Dental Surgery
(if granted on or after 18-8-2011)

BDS, The Tamil Nadu Dr. MGR
Medical University, Chennai”

[F.No. V-12017/1/2005-DE]
ANITA TRIPATHI, Under Secy.

नई दिल्ली, 8 नवम्बर, 2011

का. आ. 3686.—केंद्र सरकार, दन्त चिकित्सक अधिनियम, 1948 (1948 का 16) की धारा 10 की उप-धारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारतीय दन्त चिकित्सा परिषद् से परामर्श करके, उक्त अधिनियम की अनुसूची के भाग-1 में एतद्वारा निम्नलिखित संशोधन करती है, नामतः :—

2. महाराष्ट्र स्वास्थ्य विज्ञान विश्वविद्यालय, नासिक द्वारा प्रदान की जा रही दन्त चिकित्सा डिग्रियों की मान्यता के बारे में दन्त चिकित्सा अधिनियम, 1948 (1948 का 16) की अनुसूची के भाग-1 में वीएसपीएम डेंटल कॉलेज एवं रिसर्च सेंटर, नागपुर, महाराष्ट्र के संबंध में क्रम संख्या 60 के समक्ष कॉलम 2 तथा 3 की मौजूदा प्रविष्टियों में निम्नलिखित प्रविष्टियां इसके अंतर्गत अंतः स्थापित की जाएंगी :—

“ कंजरवेटिव डेंटिस्ट्री एवं इंडोडॉनटिक्स

(यदि यह दिनांक 28-6-2011 को अथवा उसके
पश्चात् प्रदान की गई हो) ।

एम डी एस (“कंजरवेटिव डेंटिस्ट्री एवं इंडोडॉनटिक्स)
महाराष्ट्र स्वास्थ्य विज्ञान विश्वविद्यालय, नासिक

पेरियोडॉन्टोलॉजी

(यदि दिनांक 30-6-2011 को अथवा उसके
पश्चात् प्रदान की गई हो)

एम डी एस (पेरियोडॉन्टोलॉजी)

महाराष्ट्र स्वास्थ्य विज्ञान विश्वविद्यालय, नासिक"

[फा. सं. वी-12017/72/2005-डी ई]

अनिता त्रिपाठी, अवर सचिव

New Delhi, the 8th November, 2011

S. O. 3686.—In exercise of the powers conferred by sub-section (2) of Section 10 of the Dentists Act, 1948 (16 of 1948), the Central Government, after consultation with Dental Council of India, hereby, makes the following amendments in Part-I of the Schedule to the said Act, namely :—

2. In the existing entries of column 2 and 3 against XXII of Serial No. 60, in respect of VSPM's Dental College & Research Centre, Nagpur, Maharashtra, in Part-I of the Schedule to the Dentists Act, 1948 (16 of 1948) pertaining to recognition of dental degrees awarded by Maharashtra University of Health Sciences, Nashik, the following entries shall be inserted thereunder :—

"Conservative Dentistry & Endodontics

(if granted on or after 28-6-2011)

MDS, (Cons. Dent.),

Maharashtra University of Health Sciences,
Nashik

Periodontology

(if granted on or after 30-6-2011)

MDS, (Perio.),

Maharashtra University of Health Sciences,
Nashik"

[F.No. V-12017/72/2005-DE]

ANITA TRIPATHI, Under Secy.

संचार और सूचना प्रौद्योगिकी मंत्रालय

(दूरसंचार विभाग)

नई दिल्ली, 7 दिसम्बर, 2011

का.आ. 3687.—केन्द्रीय सरकार राजभाषा (संच के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 (यथा संशोधित 1987) के नियम 10 (4) के अनुसरण में संचार और सूचना प्रौद्योगिकी मंत्रालय, दूरसंचार विभाग के प्रशासनिक नियंत्रणाधीन निम्नलिखित कार्यालयों को, जिनके 80 प्रतिशत से अधिक कर्मचारियों ने हिंदी का कार्यसाधक ज्ञान प्राप्त कर लिया है, एतद्वारा अधिसूचित करती है:—

0 संचार लेखा नियंत्रक कार्यालय, दूरसंचार भवन, तिरुवनन्तपुरम, केरल ।

0 कार्यालय मंडल अभियंता, भारत संचार निगम लिमिटेड, मुन्नार, केरल ।

[सं. ई-11016/1/2009-रा.भा.]

एस. सी. शर्मा, उप महानिदेशक (सी एंड ए)

MINISTRY OF COMMUNICATIONS AND INFORMATION TECHNOLOGY

(Department of Telecommunications)

New Delhi, the 7th December, 2011

S.O. 3687.—In pursuance of Rule 10 (4) of the Official Language (Use for official purposes of the Union) Rules, 1976 (as amended-1987), the Central Government hereby notifies the following Offices under the administrative control of the Ministry of Communications and Information Technology, Department of Telecommunications, whereof more than 80% of staff have acquired working knowledge of Hindi :

0 Office of the Controller of Communication Accounts, Door Sanchar Bhavan, Thiruvananthapuram- 695033, Kerala,

0 Office of Divisional Engineer, Bharat Sanchar Nigam Limited, Munnar, Thiruvananthapuram, Kerala,

[No. E-11016/1/2009-O.L.]

S. C. SHARMA, Dy. Director General (C&A)

उपभोक्ता मामले, खाद्य और सार्वजनिक वितरण मंत्रालय

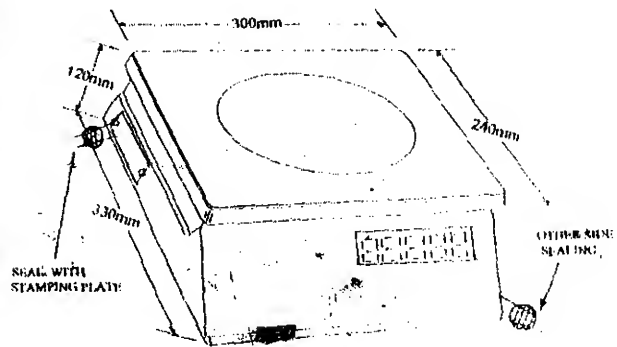
(उपभोक्ता मामले विभाग)

नई दिल्ली, 19 सितम्बर, 2011

का.आ. 3688.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स एम. टैक डिजिटल कम्पनी, 11 वीर कॉम्प्लैक्स, राधनपुर क्रॉस रोड, महसाना-2 द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले "एम टी टी-30" शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (टेबलटॉप टाइप) के मॉडल का, जिसके ब्राण्ड का नाम "एम.टैक" है, (जिसे इसमें इसका पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/10/245 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (टेबलटॉप प्रकार) है। इसकी अधिकतम क्षमता 30 कि.ग्रा. और न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान अंतराल (ई) 5 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



आकृति-2—मॉडल को सीलिंग करने का योजनाबद्ध डायग्राम

स्केल की बाडी में दिए गए होल्ज से सीलिंग वायर निकाल कर सीलिंग की जाती है। मॉडल को सीलबंद करने के उपबंध का एक प्ररूपी योजनाबद्ध डायग्राम उपरोक्त दिया गया है।

बाहरी केलिब्रेशन तक पहुंच को रोकने के लिए ए/डी कार्ड/मदर बोर्ड में डिप स्विच भी दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 मि. ग्रा. से 2 ग्रा. तक के "ई" मान के लिए 100 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) और 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान $1 \times 10^*$, $2 \times 10^*$ या $5 \times 10^*$, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(164)/2010]

बी. एन. दीक्षित, निदेशक, विधिक माप विज्ञान

MINISTRY OF CONSUMER AFFAIRS, FOOD AND PUBLIC DISTRIBUTION

(Department of Consumer Affairs)

New Delhi, the 19th September, 2011

S.O. 3688.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Table top type) with digital indication of Medium Accuracy (Accuracy class-III) of Series “MTT-30” and with brand name “M.TECH” (hereinafter referred to as the said model), manufactured by M/s. M. Tech Digital Company, 11 Veer Complex, Radhanpur Cross Road, Mehsana-2 and which is assigned the approval mark IND/09/10/245;

The said Model is a strain gauge type load cell based non-automatic weighing instrument (Table top type) with a maximum capacity of 30kg. and minimum capacity of 100 g. The verification scale interval (e) is 5g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts and 50 Hertz alternative current power supply.

Figure-1

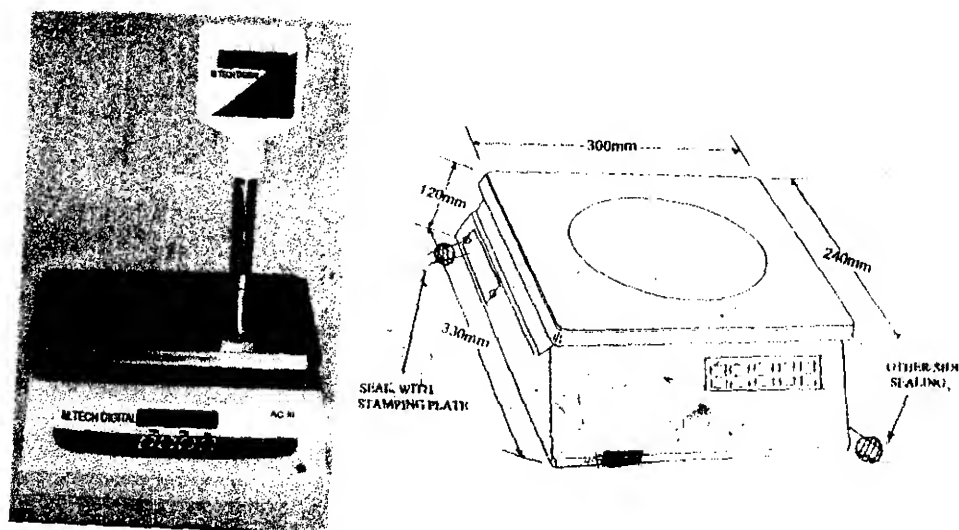


Figure-2—Schematic Diagram of sealing provision of the model.

Sealing is done by passing the sealing wire from the body of the scale through holes. A typical schematic diagram of sealing provision of the model is given above.

A dip switch has also been provided in A/D card/mother board to disable access to external calibration.

Further, in exercise of the power conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity up to 50 kg. with verification scale interval (n) in the range of 100 to 10,000 for ‘e’ value of 100 mg. to 2 g. and with verification scale interval (n) in the range of 500 to 10,000 for ‘e’ value of 5g. or more and with ‘e’ value of 1×10^k , 2×10^k , or 5×10^k , where k is a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved Model has been manufactured.

[F.No. WM-21(164)/2010]

B. N. DIXIT, Director of Legal Metrology

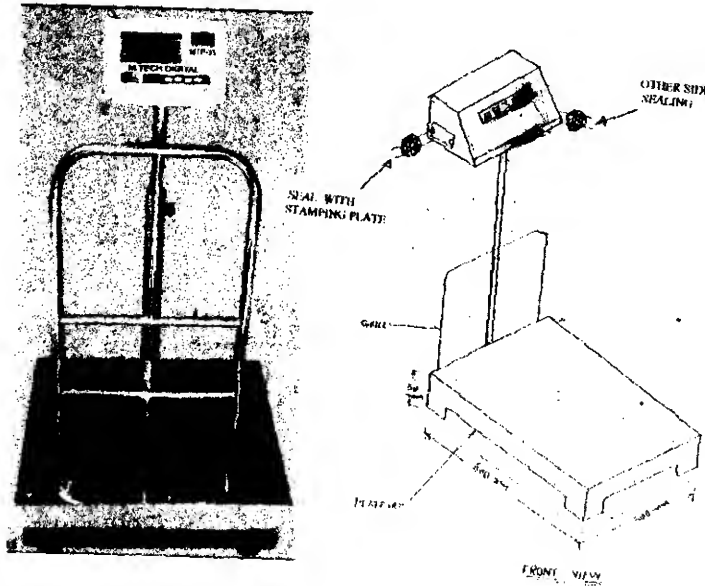
नई दिल्ली, 19 सितम्बर, 2011

का.आ. 3689.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स एम. टैक डिजिटल कम्पनी, 11 वीर कॉम्प्लेक्स, राधनपुर क्रॉस रोड, महसना-2 द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता-III) वाले "एम टी पी-500" शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (प्लेटफार्म टाइप) के मॉडल का, जिसके ब्राण्ड का नाम "एम. टैक" है, (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/10/246 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (प्लेटफार्म टाइप) है। इसकी अधिकतम क्षमता 1000 कि.ग्रा. और न्यूनतम क्षमता 4 कि. ग्रा. है। सत्यापन मापमान अंतराल (ई) 200 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

आकृति-1



आकृति-2—मॉडल को सीलिंग करने का योजनाबद्ध डायग्राम

डिस्पले की बाड़ी में से सीलिंग वायर निकाल कर डिस्पले के राइट साइड/बैक साइड में सीलिंग की जाती है। सील के साथ जुड़े हुए डिस्पले के बेस प्लेट और टॉप कवर में बने दो छेदों में से सीलिंग वायर निकाल कर सील से जोड़ा गया है। मॉडल को सीलबंद करने के उपबंध का एक प्ररूपी योजनाबद्ध डायग्राम उपरोक्त दिया गया है।

उपकरण में बाहरी केलिब्रेशन तक पहुंच की सुविधा है। बाहरी केलिब्रेशन तक पहुंच को रोकने के लिए ए/डी कार्ड/मदर बोर्ड में डिप स्विच भी दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि. ग्रा. से 5000 कि. ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान $1 \times 10^*$, $2 \times 10^*$ या $5 \times 10^*$, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(164)/2010]

बी. एन. दीक्षित, निदेशक, विधिक माप विज्ञान

New Delhi, the 19th September, 2011

S.O. 3689.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Platform type) with digital indication of Medium Accuracy (Accuracy class -III) of Series "MTP-500" and with brand name "M.TECH" (hereinafter referred to as the said model), manufactured by M/s. M. Tech Digital Company, 11 Veer Complex, Radhanpur Cross Road, Mehsana-2 and which is assigned the approval mark IND/09/10/246;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Platform type) with a maximum capacity of 1000kg. and minimum capacity of 4kg. The verification scale interval (e) is 200g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts and 50 Hertz alternative current power supply.

Figure-1

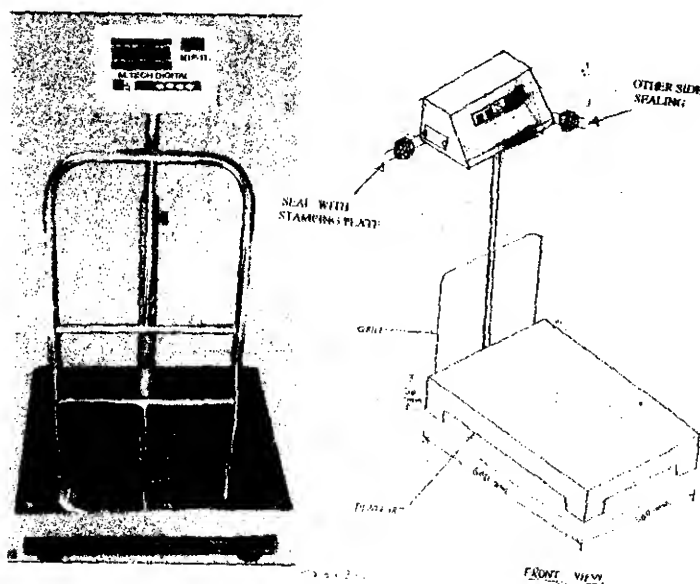


Figure-2—Schematic Diagram of sealing provision of the model.

Sealing is done on the right side/back side of the display by passing sealing wire from the body of the display. The seal is connected by whole in base plate & top cover of display, than seal wire is passed through these two holes attached with seal. A typical schematic diagram of sealing provision of the model is given above.

The instrument has external control to calibration. A dip switch has also been provided in A/D card/mother board to disable access to external calibration.

Further, in exercise of the power conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 50 kg. and up to 5000kg. with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

नई दिल्ली, 19 सितम्बर, 2011

का.आ. 3690.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स एडसन इलेक्ट्रोवे, विश्वकर्मा इंडस्ट्रीयल एरिया अमरेली रोड, सावरकुण्डला, गुजरात, 364515 द्वारा विनिर्मित मैकेनिकल काउंटर मशीन के मॉडल का जिसके ब्राण्ड का नाम "गोडसन" है, (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/10/587 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।

उक्त मॉडल प्रिंसिपल आफ मूमेंट्स आधारित मैकेनिकल काउंटर मशीन है। इसकी अधिकतम क्षमता 5 कि. ग्रा. है। इंडीकेशन एनालॉग प्रकार का है। काउंटर मशीन के बीम में स्टाम्पिंग सुविधा है।

आकृति—1 मॉडल



और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मंक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 कि. ग्रा., 2 कि. ग्रा., 5 कि. ग्रा., 10 कि. ग्रा., 15 कि. ग्रा., 20 कि. ग्रा., 25 कि. ग्रा., 30 कि. ग्रा. और 50 कि. ग्रा. तक की क्षमता में हैं।

[फा. सं. डब्ल्यू एम-21(216)/2010]

बी. एन. दीक्षित, निदेशक, विधिक माप विज्ञान

New Delhi, the 19th September, 2011

S.O. 3690.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of Mechanical Counter Machine with brand name “GODSON” (hereinafter referred to as the said model), manufactured by M/s. Adson Electroweigh, Vishwakarma Industrial Area Amreli Road, Savarkundla, Gujarat 364515 and which is assigned the approval mark IND/09/10/587;

The said model is a Principle of Moments based Mechanical Counter Machine with a maximum capacity of 5 kg. The indication is of analogue type. There is a provision of stamping in the beam of the counter machine.

Figure-1 : Model



Further, in exercise of the power conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instruments of similar make, accuracy and performance of same series with capacities 1 kg, 2 kg, 5 kg, 10 kg, 15 kg, 20 kg, 25 kg, 30 kg, and 50 kg, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F.No. WM-21(216)/2010]

B. N. DIXIT, Director of Legal Metrology

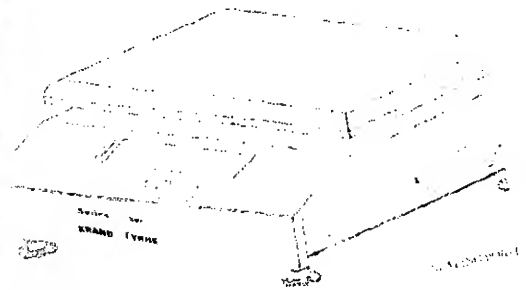
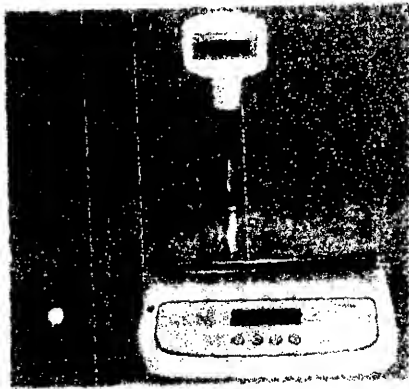
नई दिल्ली, 19 सितम्बर, 2011

का.आ. 3691.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स टिखे 25, 2nd मेन रोड नरूपथुंगा लेआउट, कोठानूर मेन रोड, जे पी नगर, 7वां फेज, बंगलूर द्वारा विनिर्मित उच्च यथार्थता (यथार्थता वर्ग-II) वाले "एसएसी" शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (टेबलटाप टाइप) के मॉडल का, जिसके ब्राण्ड का नाम "टिखे" है, (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/10/275 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (टेबलटाप टाइप) है। इसकी अधिकतम क्षमता 30 कि.ग्रा. और न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान अंतराल (ई) 2 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

आकृति-1 मॉडल



आकृति-2—उपकरण के मॉडल का सीलिंग प्रावधान

स्केल की बाडी के होल्स में से सीलिंग वायर निकाल कर सीलिंग की जाती है। मॉडल को सीलबंद करने के उपबंध का एक प्ररूपी योजनाबद्ध डायग्राम उपरोक्त दिया गया है।

उपकरण में बाहरी केलिब्रेशन तक पहुंच की सुविधा है। बाहरी केलिब्रेशन तक पहुंच को रोकने के लिए ए/डी कार्ड/मदर बोर्ड में डिप स्विच भी दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 मि. ग्रा. से 2 ग्रा. तक के "ई" मान के लिए 100 से 100,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) और 0.1 ग्रा. या उससे अधिक के "ई" मान के लिए 5,000 से 100,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान $1 \times 10^*$, $2 \times 10^*$, $5 \times 10^*$, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(199)/2010]

बी. एन. दीक्षित, निदेशक, विधिक माप विज्ञान

New Delhi, the 19th September, 2011

S.O. 3691.—Whereas the Central Government, after considering the report submitted to it by prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby approves and issues the certificate of approval of the model of non-automatic weighing instrument (Tabletop type) with digital indication, belonging to High Accuracy (Accuracy class -II) of Series "SAC" and with brand name "TYKHE" (hereinafter referred to as the said model), manufactured by M/s. Tykhe 25, 2nd Main Road, Nrupathunga Layout, Kothanur Main Road, J.P. Nagar, 7th Phase, Bangalore which is assigned the approval mark IND/09/10/275;

The said Model is a strain gauge type load cell based non-automatic weighing instrument (Tabletop type) with a maximum capacity of 30 kg. and minimum capacity of 100g. The verification scale interval (e) is 2g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts and 50 Hertz alternative current power supply.

Figure-1

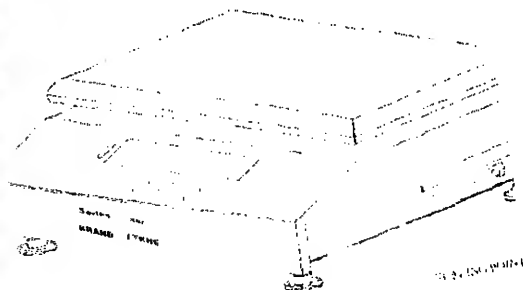
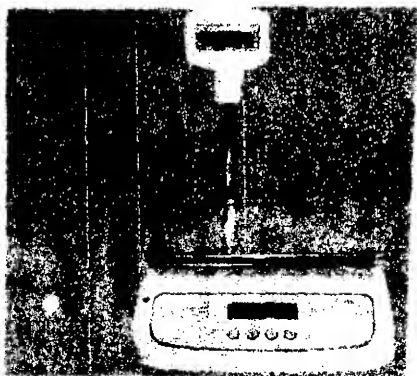


Figure-2—Schematic Diagram of sealing of the model.

Sealing is done by passing the sealing wire from the body of the scale through holes. A typical schematic diagram of sealing provision of the model is given above.

The instrument has external control to calibration. A dip switch has been provided in A/D card/mother board to disable access to external calibration.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instrument of similar make, accuracy and performance of same series with maximum capacity upto 50 kg. and with number of verification scale interval (n) in the range of 100 to 100,000 for 'e' value of 100mg, 2g. and with number of verification scale interval (n) in the range of 5,000 to 100,000 for 'e' value of 0.1g. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , k being the positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved Model has been manufactured.

[F.No. WM-21(199)/2010]

B. N. DIXIT, Director of Legal Metrology

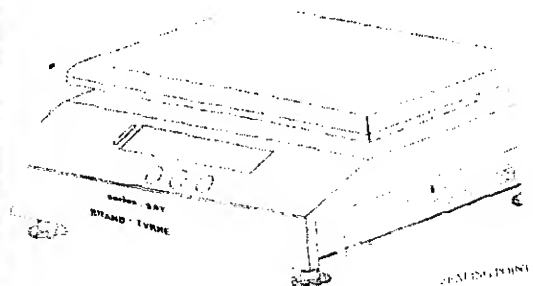
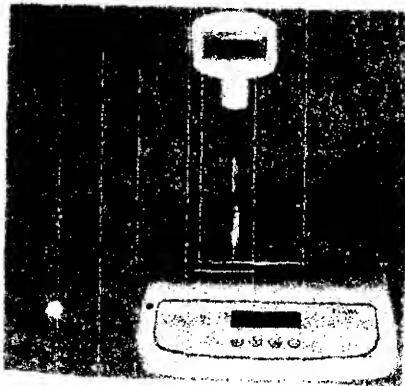
नई दिल्ली, 19 सितम्बर, 2011

का.आ. 3692—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स टिखे 25, 2nd मेन रोड, नरूपथुंगा लेआउट, कोठानूर मेन रोड, जे पी नगर, 7वां फेज, बंगलूर द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले "एसएटी" शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (टेबलटाप टाइप) के मॉडल का, जिसके ब्राण्ड का नाम "टिखे" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/10/276 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (टेबलटाप टाइप) है। इसकी अधिकतम क्षमता 30 कि.ग्रा. और न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान अंतराल (ई) 5 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

आकृति-1 मॉडल



आकृति-2: उपकरण के मॉडल का सीलिंग प्रावधान

स्केल की बाडी के होल्स में से सीलिंग वायर निकाल कर सीलिंग की जाती है। मॉडल को सीलबंद करने के उपबंध का एक प्ररूपी योजनाबद्ध डायग्राम उपरोक्त दिया गया है।

उपकरण में बाहरी केलिब्रेशन तक पहुंच की सुविधा है। बाहरी केलिब्रेशन तक पहुंच को रोकने के लिए ए/डी कार्ड/मदर बोर्ड में डिप स्विच भी दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 मि. ग्रा. से 2 ग्रा. तक के "ई" मान के लिए 100 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) और 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान $1 \times 10^*$, $2 \times 10^*$ या $5 \times 10^*$, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(199)/2010]

बी. एन. दीक्षित, निदेशक, विधिक माप विज्ञान

New Delhi, the 19th September, 2011

S.O. 3692.—Whereas the Central Government, after considering the report submitted to it by prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Tabletop type) with digital indication of Medium Accuracy (Accuracy class -III) of series "SAT" and with brand name "TYKHE" (hereinafter referred to as the said model), manufactured by M/s. Tykhe 25, 2nd Main Road, Nrupathunga Layout, Kothanur Main Road, J.P. Nagar, 7th Phase, Bangalore which is assigned the approval mark IND/09/10/276;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Tabletop type) with a maximum capacity of 30 kg and minimum capacity of 100g. The verification scale interval (e) is 5g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.

Figure-1

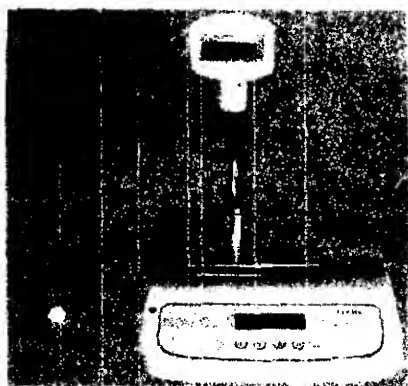


Figure-2: Schematic Diagram of sealing provision of the model.

Sealing is done by passing the sealing wire from the body of the scale through holes. A typical schematic diagram of sealing provision of the model is given above.

The instrument has external control to calibration. A dip switch has also been provided in A/D card/mother board to disable access to external calibration.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instrument of similar make, and performance of same series with maximum capacity up to 50 kg and with number of verification scale interval (n) in the range of 100 to 10,000 for 'e' value of 100mg to 2g and with number of verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g or more and with 'e' value 1×10^k , 2×10^k or 5×10^k , k being the positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the approved model has been manufactured.

[F.No. WM-21(199)/2010]

B. N. DIXIT, Director of Legal Metrology

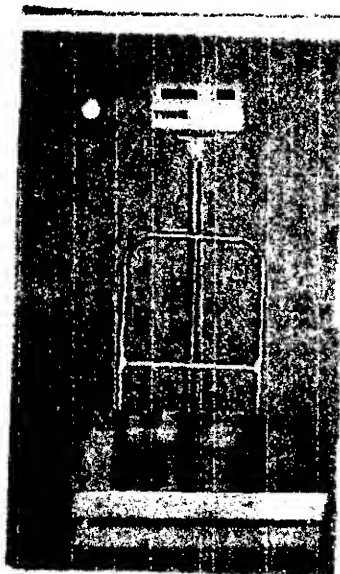
नई दिल्ली, 19 सितम्बर, 2011

का.आ. 3693.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स टिखे 25, 2nd मेन रोड नरूपथुंगा लेआउट, कोठानूर मेन रोड, जे पी नगर, 7वां फेज, बंगलूर द्वारा विनिर्मित उच्च यथार्थता (यथार्थता वर्ग-II) वाले "एसएपी" शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (प्लेटफार्म टाइप) के मॉडल का, जिसके ब्राण्ड का नाम "टिखे" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/10/277 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (प्लेटफार्म टाइप) है। इसकी अधिकतम क्षमता 600 कि.ग्रा. और न्यूनतम क्षमता 2.5 कि.ग्रा. है। सत्यापन मापमान अंतराल (ई) 50 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

आकृति-1 मॉडल



आकृति-2: उपकरण के मॉडल का सीलिंग प्रावधान

स्केल की बाँडी के होल्स में से सीलिंग वायर निकाल कर सीलिंग की जाती है। मॉडल को सीलबंद करने के उपबंध का एक प्ररूपी योजनाबद्ध डायग्राम उपरोक्त दिया गया है।

उपकरण में बाहरी केलिब्रेशन तक पहुंच की सुविधा है। बाहरी केलिब्रेशन तक पहुंच को रोकने के लिए ए/डी कार्ड/मदर बोर्ड में डिप स्विच भी दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिनसे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 मि. ग्रा. से 50 मि. ग्रा. तक के "ई" मान के लिए 100 से 100,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) और 100 मि. ग्रा. या उससे अधिक के "ई" मान के लिए 5000 से 100,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. से 5,000 कि. ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान $1 \times 10^*$, $2 \times 10^*$ या $5 \times 10^*$ के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(199)/2010]

बी. एन. दीक्षित, निदेशक, विधिक माप विज्ञान

New Delhi, the 19th September, 2011

S.O. 3693.—Whereas the Central Government, after considering the report submitted to it by prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Platform type) with digital indication, of High Accuracy (Accuracy class -II) of Series "SAP" and with brand name "TYKHE" (hereinafter referred to as the said model), manufactured by M/s. Tykhe 25, 2nd Main Road, Nrupathunga Layout, Kothanur Main Road, J.P. Nagar, 7th Phase, Bangalore and which is assigned the approval mark IND/09/10/277;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Platform type) with a maximum capacity of 600kg and minimum capacity of 2.5kg. The verification scale interval (e) is 50g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts and 50 Hertz alternative current power supply.

Figure-1 Model

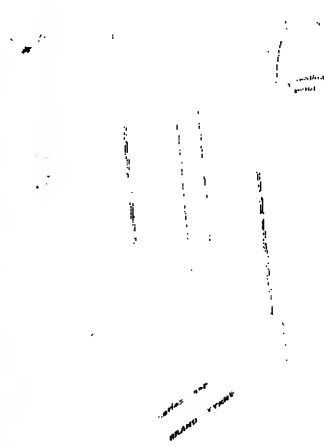
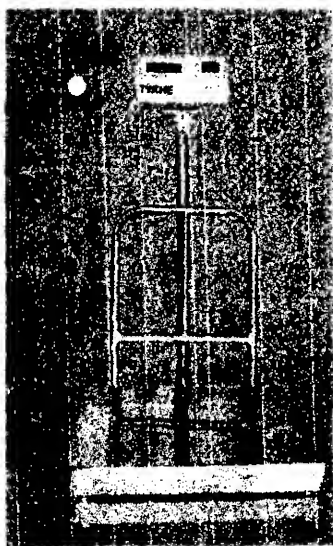


Figure-2 : Sealing Diagram

Sealing is done by passing the sealing wire from the body of the scale through holes. A typical schematic diagram of sealing provision of the model is given above.

The instrument has external control to calibration. A dip switch has also been provided in A/D card/mother board to disable access to external calibration.

Further, in exercise of the power conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instruments of similar make, accuracy, performance and of same series with maximum capacity above 50 kg and up to 5,000kg with number of verification scale interval (n) in the range of 100 to 100000 for 'e' value of 1mg to 50mg and with number of verification scale interval (n) in the range of 5,000 to 100,000 for 'e' value of 100mg or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , k being the positive or negative whole number or equal to zero, manufactured by the said manufacturer in accordance with the same principle, design and materials with which, the approved Model has been manufactured.

[F.No. WM-21(199)/2010]

B. N. DIXIT, Director of Legal Metrology

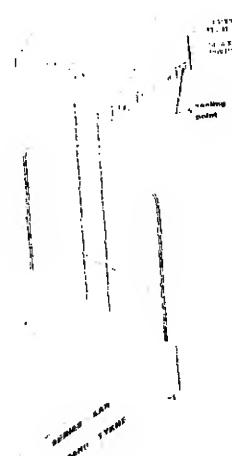
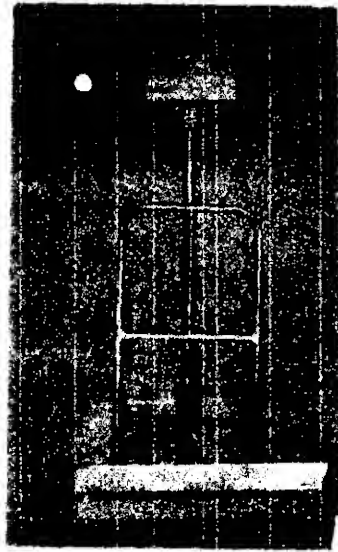
नई दिल्ली, 19 सितम्बर, 2011

का.आ. 3694.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप हैं और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स टिखे 25, 2nd मेन रोड, नरूपथुंगा लेआउट, कोठानूर मेन रोड, जे पी नगर, 7वां फेज, बंगलूर द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले "एसएआर" शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (प्लेटफार्म टाइप) के मॉडल का, जिसके ब्राण्ड का नाम "टिखे" है, (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/10/278 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (प्लेटफार्म टाइप) है। इसकी अधिकतम क्षमता 1000 कि.ग्रा. और न्यूनतम क्षमता 4 कि. ग्रा. है। सत्यापन मापमान अंतराल (ई) 200 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत-प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

आकृति-1 मॉडल



आकृति-2: उपकरण के मॉडल का सीलिंग प्रावधान।

स्केल की बाडी के होल्स में से सीलिंग वायर निकालकर सीलिंग की जाती है। मॉडल को सीलबंद करने के उपबंध का एक प्ररूपी योजनाबद्ध डायग्राम उपरोक्त दिया गया है।

उपकरण में बाहरी केलिब्रेशन तक पहुंच की सुविधा है। बाहरी केलिब्रेशन तक पहुंच को रोकने के लिए ए/डी कार्ड/मदर बोर्ड में डिप स्विच भी दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 मि. ग्रा. से 2 ग्रा. तक के "ई" मान के लिए 100 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) और 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. से 5000 कि. ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान $1 \times 10^*$, $2 \times 10^*$ या $5 \times 10^*$, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(199)/2010]

बी. एन. दीक्षित, निदेशक, विधिक माप विज्ञान

New Delhi, the 19th September, 2011

S.O. 3694.—Whereas the Central Government, after considering the report submitted to it by prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Platform type) with digital indication of Medium Accuracy (Accuracy class -III) of Series "SAR" and with brand name "TYKHE" (hereinafter referred to as the said model), manufactured by M/s. Tykhe 25, 2nd Main Road, Narupathunga Layout, Kothanur Main Road, J.P. Nagar, 7th Phase, Bangalore and which is assigned the approval mark IND/09/10/278;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Platform type) with a maximum capacity of 1000kg and minimum capacity of 4kg. The verification scale interval (e) is 200g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts and 50 Hertz alternative current power supply.

Figure-1 Model

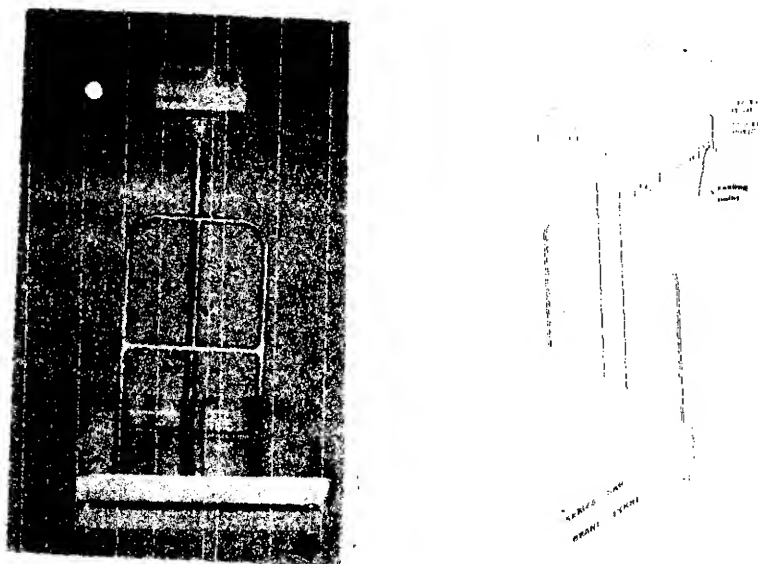


Figure 2- Sealing provision of the model

Sealing is done by passing the sealing wire from the body of the scale through holes. A typical schematic diagram of sealing provision of the model is given above.

The instrument has external control to calibration. A dip switch has also been provided in A/D card/mother board to disable access to external calibration.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 50 kg and up to 5,000kg with number of verification scale interval (n) in the range of 100 to 10,000 for 'e' value of 100mg to 2g and with number of verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , k being the positive or negative whole number or equal to zero, manufactured by any manufacturer in accordance with the same principle, design and materials with which the said model is manufactured.

[F.No. WM-21(199)/2010]

B. N. DIXIT, Director of Legal Metrology

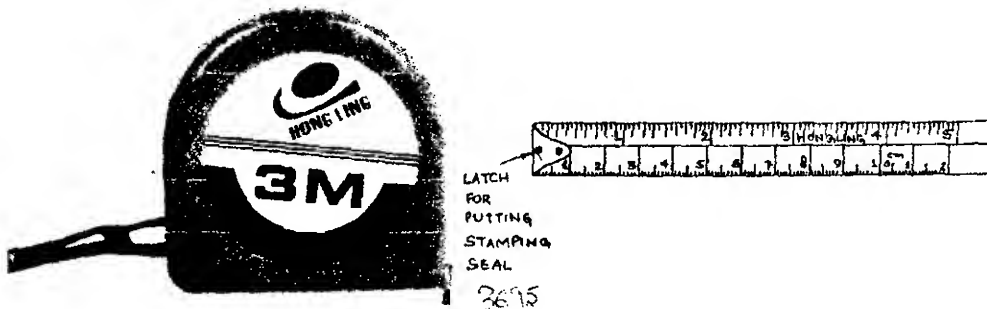
नई दिल्ली, 19 सितम्बर, 2011

का.आ. 3695.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976(1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (3) और उपधारा (7) और उप-धारा (8) तीसरे परन्तुक द्वारा शक्तियों का प्रयोग करते हुए मैसर्स त्वान आह कं. लि, 144, एलई होंग फोंग, स्ट्रीट ताम थान्ह बॉर्ड, लांग सन सिटी, वियतनाम द्वारा विनिर्मित यथार्थता वर्ग-II वाले "होंगलिंग" शृंखला के "स्टील टेप मैजर" के मॉडल का, जिसके ब्राण्ड का नाम "होंगलिंग" है, (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे मैसर्स खुशी ट्रेडिंग कम्पनी, 1309-बी3 प्रथम तल, पान मंडी, सदर बाजार, दिल्ली-110006 द्वारा भारत में विपणित किया है और जिसे अनुमोदन चिह्न आई एन डी/09/10/311 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।

उक्त मॉडल स्टील फीता माप है जिसकी अधिकतम लम्बाई 3 मीटर है तथा न्यूनतम भाग 1 मिलीमीटर है जिसका उपयोग लम्बाई को मापने के लिए किया जाता है। इसका उपयोग लम्बाई को मापने के लिए किया जाता है जहां कड़े माप की लम्बाई सुविधाजनक या व्यवहारिक न हो।

आकृति-1 मॉडल



आकृति-2--सीलिंग प्रावधान

स्टील टेप मैजर के प्रारंभ में सत्यापन स्टाम्प दी गई है जैसाकि ऊपर आकृति में दिखाया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के स्टील टेप मैजर भी होंगे जिनकी लंबाई 0.5 मीटर से 5 मीटर तक है।

[फा. सं. डब्ल्यू एम-21(212)/2010]

बी. एन. दीक्षित, निदेशक, विधिक माप विज्ञान

New Delhi, the 19th September, 2011

S.O. 3695.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions; .

Now, therefore, in exercise of the powers conferred by the third proviso to sub-section (3) and sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of the 'Steel Tape Measure', of Accuracy Class-II of series 'HONGLING' with Brand name 'HONGLING' (herein referred to as said Model), manufactured by M/s. Tuan Anh Co. Ltd, 144 LE Hong Phong, Street, Tam Thanh Ward Lang Son City, Vietnam and marketed in India by M/s. Khushi Trading Company, 1309-B3, 1st Floor, Pan Mandi, Sadar Bazar, Delhi-11 0006 and which is assigned the approval mark IND/09/10/311 ;

The said Model is a Steel tape measure of maximum length 3m and smallest division is of 1 mm which is used for measurement of length. It is used for measurement of length where the use of rigid length measure is not convenient or practicable.

Figure-1 Model

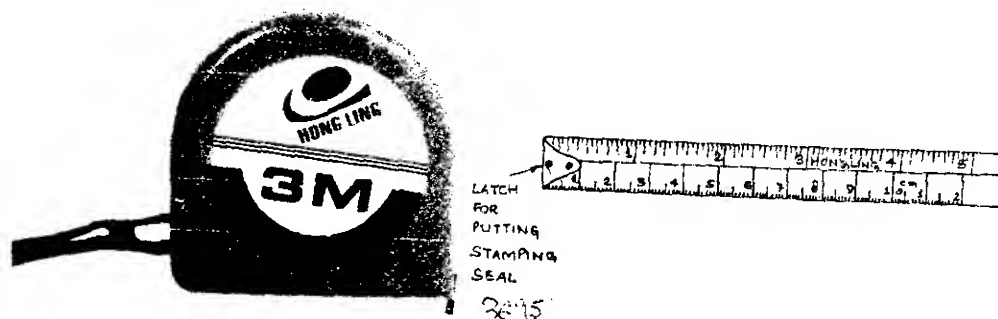


Figure-2—Sealing provision

The verification stamp is given at the beginning of the Steel tape measure as shown in the figure above.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the steel tape measure of similar make, accuracy and performance of same series in the range of 0.5 m. to 5 m. manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved Model has been manufactured.

[F.No.WM-21(212)/2010]

B. N. DIXIT, Director of Legal Metrology

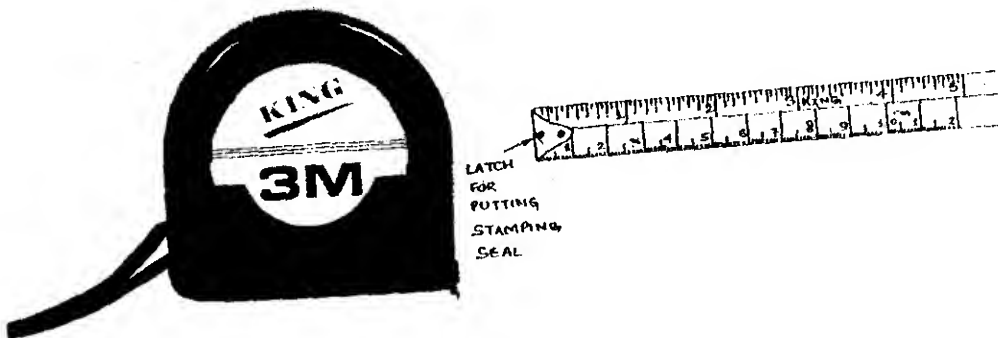
नई दिल्ली, 19 सितम्बर, 2011

का.आ. 3696.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (3) और उप-धारा (7) और उप-धारा (8) तीसरे परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स टापक्राफ्ट इंडस्ट्रियल कारपोरेशन 12वां तल, नं. 10, एलीय 7, लेन 205, झोंग एक्सिओ ईस्ट रोड, सैक्सन 4, तइपेयी 106, तायवान द्वारा विनिर्मित यथार्थता वर्ग-II वाले "किंग" शृंखला के "स्टील टेप मैजर" के मॉडल का, जिसके ब्राण्ड का नाम "किंग" है, (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे मैसर्स खुशी ट्रेडिंग कम्पनी, 1309-बी 3, प्रथम तल, पान मंडी, सदर बाजार, दिल्ली-110006 द्वारा भारत में विपणित किया है और जिसे अनुमोदन चिह्न आई एन डी/09/10/312 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।

उक्त मॉडल स्टील फीता माप है जिसकी अधिकतम लम्बाई 3 मीटर है तथा न्यूनतम भाग 1 मिलीमीटर है जिसका उपयोग लम्बाई को मापने के लिए किया जाता है। इसका प्रयोग लम्बाई को मापने के लिए किया जाता है जहां कड़े माप की लम्बाई सुविधाजनक या व्यवहारिक न हो।

आकृति-1 मॉडल



आकृति-2—सीलिंग प्रावधान

स्टील टेप मेजर के प्रारंभ में सत्यापन स्टाम्प दी गई है जैसाकि ऊपर आकृति में दिखाया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के स्टील टेप मैजर भी होंगे जिनकी रेंज 0.5 मीटर से 5 मीटर तक है।

[फा. सं. डब्ल्यू एम-21(212)/2010]

बी. एन. दीक्षित, निदेशक, विधिक माप विज्ञान

New Delhi, the 19th September, 2011

S.O. 3696.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions; .

Now, therefore, in exercise of the powers conferred by the third proviso to sub-section (3) and sub-sections (7) and (8) of section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of the 'Steel Tape Measure', of Accuracy Class-II of series 'KING' with Brand name 'KING' (herein referred to as said Model), manufactured by M/s. Topcraft Industrial Corporation, 12th Floor, No. 10, Alley 7, Lane 205, Zhong Xiao East Road, Section 4 Taipei 106, Taiwan and marketed in India by M/s. Khushi Trading Company, 1309-B3, 1st Floor, Pan Mandi, Sadar Bazar, Delhi-110006 and which is assigned the approval mark IND/09/10/312 ;

The said Model is a Steel tape measure of maximum length 3m and smallest division is of 1 mm which is used for measurement of length. It is used for measurement of length where the use of rigid length measure is not convenient or practicable.

Figure-1 Model

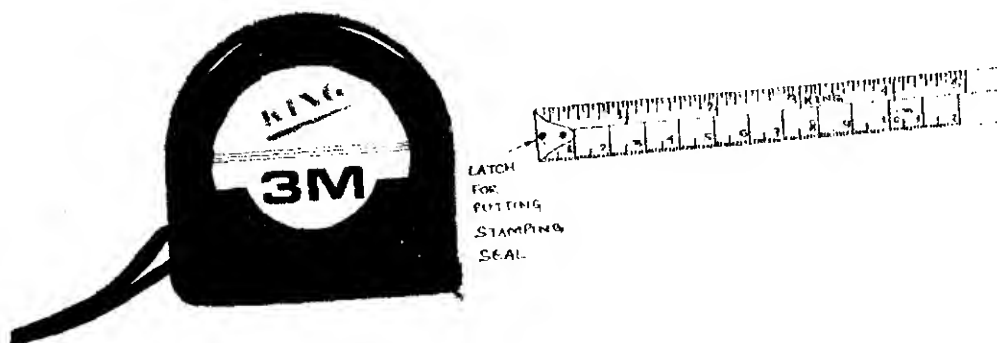


Figure-2—Sealing provision

The verification stamp is given at the beginning of the Steel tape measure as shown in the figure above.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the steel tape measure of similar make, accuracy and performance of same series in the range of 0.5m to 5m manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved Model has been manufactured.

[F. No. WM-21(212)/2010]

B. N. DIXIT, Director of Legal Metrology

नई दिल्ली, 19 सितम्बर, 2011

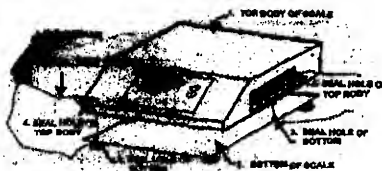
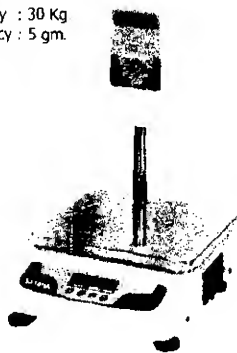
का.आ. 3697.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स सजना वेइंग इंडस्ट्रीज, मैन मंडिया रोड, पाली-मारवाड़, पाली-306401 (राजस्थान) द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले "एस. I-101" शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (टेबल टाप टाइप) के मॉडल का, जिसके ब्राण्ड का नाम "सजना" है, (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/10/237 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (टेबल टाप प्रकार) है। इसकी अधिकतम क्षमता 30 कि.ग्रा. और न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान अंतराल (ई) 5 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत-प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

आकृति-1: मॉडल

CLASS - III
capacity : 30 Kg
Accuracy : 5 gm.



: MFG. BY :
SAJANA WEIGHING INDUSTRIES
Main Mandia Road,
Pali, Marwar (Raj.)

आकृति-2—मॉडल को सीलिंग करने का योजनाबद्ध डायग्राम।

स्केल की बाडी के छेदों में से सीलिंग वायर निकालकर सीलिंग की जाती है। मॉडल को सीलबंद करने के उपबंध का एक प्ररूपी योजनाबद्ध डायग्राम उपरोक्त दिया गया है।

उपकरण में बाहरी केलिब्रेशन तक पहुंच की सुविधा है। बाहरी केलिब्रेशन तक पहुंच को रोकने के लिए ए/डी कार्ड/मदर बोर्ड में डिप स्विच भी दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 मि.ग्रा. से 2 ग्रा. तक के "ई" मान के लिए 100 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) और 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^{-3} , 2×10^{-3} या 5×10^{-3} , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(152)/2010]

बी. एन. दीक्षित, निदेशक, विधिक माप विज्ञान

New Delhi, the 19th September, 2011

S.O. 3697.—Whereas the Central Government, after considering the report submitted to it by prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Table top type) with digital indication of Medium Accuracy (Accuracy class -III) of Series "S.I 101" and with brand name "SAJANA" (hereinafter referred to as the said model), manufactured by M/s. Sajana Weighing Industries, Main Mandia Road, Pali-Marwar, Pali-306 401 (Rajasthan) and which is assigned the approval mark IND/09/10/237;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Table Top Type) with a maximum capacity of 30 kg. and minimum capacity of 100g. The verification scale interval (e) is 5g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing results. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.

Figure-1 Model

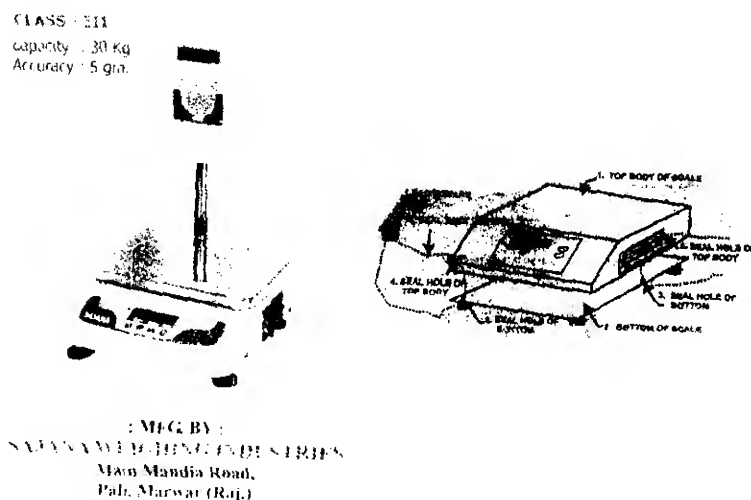


Figure-2 —Schematic diagram of sealing provision of the model.

Sealing is done by passing the sealing wire from the body of the scale through holes. A typical schematic diagram of sealing provision of the model is given above.

A dip switch has also been provided in A/D card/mother board to disable access to external calibration.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity upto 50 kg. with verification scale interval (n) in the range of 100 to 10,000 for 'e' value of 1mg. to 2g. and with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No.WM-21(152)/2010]

B. N. DIXIT, Director of Legal Metrology

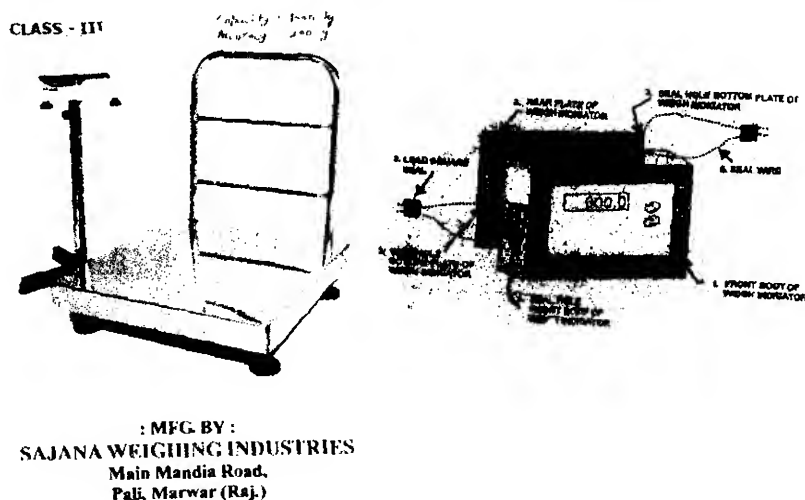
नई दिल्ली, 19 सितम्बर, 2011

का.आ. 3698.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स सजना वेइंग इंडस्ट्रीज, मैन मंडिया रोड, पाली-मारवाड़, पाली-306401 (राजस्थान) द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले "एस. I-102" शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (प्लेटफार्म टाइप) के मॉडल का, जिसके ब्राण्ड का नाम "सजना" है, (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/10/238 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (प्लेटफार्म टाइप) है। इसकी अधिकतम क्षमता 1000 कि.ग्रा. और न्यूनतम क्षमता 4 कि.ग्रा. है। सत्यापन मापमान अन्तराल (ई) 200 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत-प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

आकृति-1



आकृति-2—मॉडल को सीलिंग करने का योजनाबद्ध डायग्राम।

डिस्पले की बाड़ी में से सीलिंग वायर निकाल कर डिस्पले के राइट साइड/बैक साइड में सीलिंग की जाती है। सील के साथ जुड़े हुए डिस्पले के बेस प्लेट और टॉप कवर में बने दो छेदों में से सीलिंग वायर निकाल कर सील से जोड़ा गया है। मॉडल को सीलबंद करने के उपबंध का एक प्ररूपी योजनाबद्ध डायग्राम उपरोक्त दिया गया है।

उपकरण में बाहरी केलिब्रेशन तक पहुंच की सुविधा है। बाहरी केलिब्रेशन तक पहुंच को रोकने के लिए ए/डी कार्ड/मदर बोर्ड में डिप स्विच भी दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. से 5000 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान $1 \times 10^*$, $2 \times 10^*$, $5 \times 10^*$, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(152)/2010]

बी. एन. दीक्षित, निदेशक, विधिक माप विज्ञान

New Delhi, the 19th September, 2011

S.O. 3698.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Platform type) with digital indication of Medium Accuracy (Accuracy class -III) of Series "S.I 102" and with brand name "SAJANA" (hereinafter referred to as the said Model), manufactured by M/s. Sajana Weighing Industries, Main Mandia Road, Pali-Marwar, Pali-306 401 (Rajasthan) and which is assigned the approval mark IND/09/10/238;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Platform type) with a maximum capacity of 1000 kg. and minimum capacity of 4 kg. The verification scale interval (e) is 200g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing results. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.

Figure-1

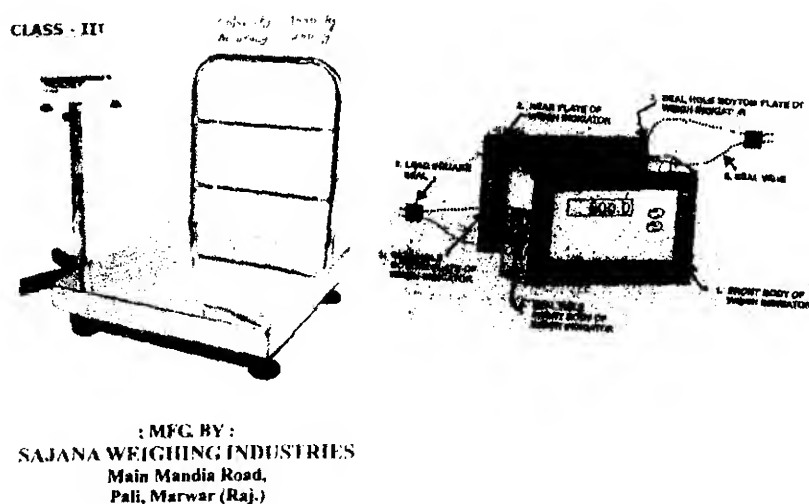


Figure-2 Schematic Diagram of sealing provision of the model

Sealing is done on the right side/back side of the display by passing sealing wire from the body of the display. The seal is connected by whole in base plate and top cover of display, then seal wire is passed through these two holes attached with seal. A typical schematic diagram of sealing provision of the model is given above.

The instrument has external control to calibration. A dip switch has also been provided in A/D card/mother board to disable access to external calibration.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 50 kg. and up to 5000kg. with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved Model has been manufactured.

[F. No.WM-21(152)/2010]

B. N. DIXIT, Director of Legal Metrology

(भारतीय मानक ब्यूरो)

नई दिल्ली, 30 नवम्बर, 2011

का.आ. 3699.—भारतीय मानक ब्यूरो (प्रमाणन) विनियम, 1988 के विनियम 4 के उप-विनियम (5) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिन लाइसेंसों के विवरण नीचे अनुसूची में दिए गए हैं वे स्वीकृत कर दिए गए हैं :-

अनुसूची

क्रम सं.	लाइसेंस संख्या	स्वीकृति करने की तिथि/वर्ष/माह	लाइसेंसधारी का नाम एवं पता	भारतीय मानक का शीर्षक	भा मा सं./ भाग/खण्ड/ वर्ष
(1)	(2)	(3)	(4)	(5)	(6)
1.	3774072	17-11-2011	कृष्णा इंडस्ट्रीज, ब्लॉक नं. 47, पहला माला, अरमान शॉपी के पास, रोड नं. 10, मोतीलाल नगर नं. 1, गोरेगांव- पश्चिम, मुंबई-400 104	घरेलू और समान प्रयोजनों के लिए स्विच	भा मा 3854 : 1997
2.	3776884	23-11-2011	रेमी इलेक्ट्रोटेकनीक लि., इमारत ए, सर्वे नं.65/1, विलेज वालिव, नाइक पाडा , वसई पूर्व, थाने -401201	बिजली के उपकरणों के लिए ज्वालासह आवरण	भा मा 2148 : 2004

[सं. के. प्र. वि./13:11]

एस. बी. रॉय, वैज्ञानिक 'एफ' एवं प्रमुख (एम डी एम-III)

(BUREAU OF INDIAN STANDARDS)

New Delhi, the 30th November, 2011

S.O. 3699.—In pursuance of sub-regulation (5) of Regulation 4 of the Bureau of Indian Standards (Certification) Regulations, 1988, the Bureau of Indian Standards, hereby notifies the grant of licences particulars of which are given below in the following schedule :

SCHEDULE

Sl. No.	Licence No.	Grant Date	Name and Address (factory) of the Party	Product	IS No./ Part/ Sec. /Year
(1)	(2)	(3)	(4)	(5)	(6)
1.	3774072	17-11-2011	Krishna Industries, Block No. 47, 1st Floor, Near Arman Shoppi, Road No. 10, Motilal Nagar No. 1 Goregaon (West) Mumbai- 400 104	Switches for domestic and similar purposes	IS 3854: 1997

(1)	(2)	(3)	(4)	(5)	(6)
2.	3776884	23-11-2011	Remi Elektrotechnik Limited, Building A, Survey No. 65/1, Village Waliv, Naik Pada, Vasai (East) Thane-401208	Flameproof Enclosures for electrical apparatus	IS 2148: 2004

[No. CMD/13:11]

S. B. RAY, Scientist 'F' & Head (MDM-III)

नई दिल्ली, 2 दिसम्बर, 2011

का.आ. 3700.—भारतीय मानक ब्यूरो नियम, 1987 के नियम 7 के उप-नियम (1) के खण्ड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि नीचे अनुसूची में दिये गये मानक (कों) में संशोधन किया गया/किये गये हैं :—

अनुसूची

क्रम सं.	संशोधित भारतीय मानक की संख्या और वर्ष	संशोधन की संख्या और तिथि	संशोधन लागू होने की तिथि
(1)	(2)	(3)	(4)
1.	आई एस 3196 (भाग 1) : 2006 अल्प दाब द्रवणीय गैसों के लिए 5 लीटर से अधिक जल क्षमता वाले वेल्डेड अल्प कार्बन इस्पात के सिलिंडर भाग 1: द्रवित पेट्रोलियम गैस के सिलिंडर की विशिष्टि (पाँचवां पुनरीक्षण)	संशोधन नं. 5, नवम्बर 2011	1 दिसम्बर 2011
2.	आई एस 7285 (भाग 2) : 2004 फिर से भरे जा सकने वाले जोड़ रहित इस्पात के गैस सिलिंडर विशिष्टि भाग 2: 1100 एमपीए (112 केजीएफ/वर्ग एमएम) से कम की नन्यता सामर्थ्य वाले इस्पात के क्वैचर्ड और टैंपर सिलिंडर (तीसरा पुनरीक्षण)	संशोधन नं. 3, नवम्बर 2011	1 दिसम्बर 2011

इन संशोधनों की प्रतियां भारतीय मानक ब्यूरो, मानक भवन, 9, बहादुर शाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों: नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों : अहमदाबाद, बैंगलोर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पूणे तथा तिरुवनन्तापुरम में बिक्री हेतु उपलब्ध हैं।

[संदर्भ : एम.ई.डी./जी-2:1]

जे. ए. सिद्दीकी, वैज्ञानिक 'ई', निदेशक (यांत्रिक इंजीनियरिंग)

New Delhi, the 2nd December, 2011

S. O. 3700.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that amendments to the Indian Standards, particulars of which are given in the Schedule hereto annexed has been issued :—

SCHEDULE

Sl. No.	No. & Year of the Indian Standards	No. and Year of the amendment	Date from which the amendment shall have effect
(1)	(2)	(3)	(4)
1.	IS 3196 (Part 1) : 2006 Welded Low Carbon Steel Cylinders exceeding 5 Litre Water Capacity for Low Pressure Liquefiable Gases Part 1 Cylinders For Liquefied Petroleum Gases (LPG) - Specification (Fifth revision)	Amendment No. 5, November 2011	1 December, 2011

(1)	(2)	(3)	(4)
2.	IS 7285 (Part 2) : 2004 Refillable Seamless Steel Gas Cylinders— Specification Part 2 Quenched and Tempred Steel Cylinders With Tensile Strength Less Than 1100 MPa (112 kgf/mm ²) (Third revision)	Amendment No. 3, November 2011	1 December, 2011

Copy of these amendments are available for sale with the Bureau of Indian Standards, Manak Bhavan, 9, Bahadur Shah Zafar Marg, New Delhi-1100 02 and Regional Offices : New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneshwar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune and Thiruvananthapuram.

[Ref: MED/G-2:1]

J. A. SIDDIQUI, Scientist 'E' (Mechanical Engineering)

नई दिल्ली, 5 दिसम्बर, 2011

का.आ. 3701.—भारतीय मानक ब्यूरो नियम, 1987 के नियम 7 के उपनियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिन भारतीय मानकों के विवरण नीचे अनुसूची में दिया गया है वे स्थापित हो गये हैं :-

अनुसूची

क्रम सं.	स्थापित भारतीय मानक (कों) की संख्या, वर्ष और शीर्षक	नये भारतीय मानक द्वारा अतिक्रमित भारतीय मानक अथवा मानकों, यदि कोई हो, की संख्या और वर्ष	स्थापित तिथि
(1)	(2)	(3)	(4)
1.	आई एस 8516 : 2011 विधुत उष्मारोधी सामग्री- उष्मारोधी सामग्री से उत्पन्न विधुत-अपघट्य संक्षारा ज्ञात करना - परीक्षण पद्धतियां (पहला पुनरीक्षण)	-	5-12-2011
2.	आई एस 9947 : 2011 तीव्र परिवेश दशा में प्रयुक्त विधुत उष्मारोधी सामग्री- अनुपथ(ट्रेकिंग) एवं संक्षारण प्रतिरोधिता ज्ञात करने की परीक्षण पद्धतियां (पहला पुनरीक्षण)	-	5-12-2011
3.	आई एस 12747 (भाग 1) : 2011 विधुत रोधन के लिए संयुक्त नम्य सामग्री भाग 1 परिभाषा और सामान्य अपेक्षाएं (पहला पुनरीक्षण)	-	5-12-2011
4.	आई एस/आई ई सी 60371-3-1 : 2006 अभ्रक आधारित उष्मारोधी सामग्री की विशिष्टि-भाग 3: एकल सामग्री की विशिष्टि- शीट 1 दिक्परिवर्तक विलग्नक और सामग्री	आई एस 9299 (भाग 3/अनुभाग 1) : 1979	5-12-2011

इन भारतीय मानकों की एक प्रति भारतीय मानक ब्यूरो, मानक भवन, 9, बहादुर शाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों: नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों : अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पूणे तथा तिरुवनन्तापुरम में बिक्री हेतु उपलब्ध हैं ।

[संदर्भ : ईटी 02/टी-36, टी-40, टी-46, टी-125]

आर. के. त्रेहन, वैज्ञानिक 'ई' एवं प्रमुख (विद्युत तकनीकी)

New Delhi, the 5th December, 2011

S. O. 3701.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, it is hereby notified that these Indian Standards, particulars of which are mentioned in the Schedule give hereafter, have been cancelled and stand withdrawn :—

SCHEDULE

Sl. No.	No. and year of the Indian Standards Established	No. and Year of Indian Standards, if any, Superseded by the New Indian Standard	Date of Established
(1)	(2)	(3)	(4)
1.	IS 8516 : 2011 Electrical insulating materials- Determination of electrolytic corrosion caused by insulating materials -Test methods (First Revision)	-	5-12-2011
2.	IS 9947 : 2011 Electrical insulating materials used under severe ambient conditions- Test methods for evaluating resistance to tracking and erosion (First Revision)	-	5-12-2011
3.	IS 12747 (Part1) : 2011 Combined flexible materials for electrical insulation- Part 1: Definitions and general requirements (First Revision)	-	5-12-2011
4.	IS /IEC 60371-3-1 : 2006 Specification for insulating materials based on mica -Part 3 : Specifications for individual materials -Sheet 1 : Commutator separators and materials	IS 9299 (Part 3/Sec 1):1979 Insulating materials based on built-up mica or treated mica paper: Part 3 Specifications for individual materials, Section 1 Rigid mica material for commutator separators	5-12-2011

Copy of this Standard is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9, Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices : New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneswar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[Ref:ET 02/T-36, T-40, T-46 & T-125]

R. K. TREHAN, Scientist 'E' & Head (Electrotechnical)

नई दिल्ली, 9 दिसम्बर, 2011

का.आ. 3702.—भारतीय मानक ब्यूरो (प्रमाणन) विनियम, 1988 के नियम 4 के उप-नियम 5 के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिन लाइसेंसों के विवरण नीचे अनुसूची में दिए गए हैं, वे स्वीकृत कर दिए गए हैं :—

अनुसूची

क्रम सं.	लाइसेंस संख्या	स्वीकृत करने की तिथि, वर्ष/माह	लाइसेंसधारी का नाम व पता	भारतीय मानक का शीर्षक	भा. मा. संख्या	भाग	अनु.	वर्ष
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
1.	3619767	1-4-2010	मैसर्स विसात बिबरोइज, 75/रामहडपटी निवास, नवा भाटर, उधना मगडाला रोड, सूरत-395007	पैकेजबंद पेयजल	14543	—	—	2004
2.	3620146	1-4-2010	मैसर्स नासा पम्प, 182, रामनेश एस्टेट, गुजरात मैटल बाक्स के पास, मधुसूदन टैक्सटाईल मिल के सामने, बापूनगर रोड, नरोडा, अहमदाबाद-380025	सबमर्सिबल पम्पसेट्स	8034	—	—	2002
3.	3620247	5-4-2010	मैसर्स गीता हयूम पाईप वर्क्स, कैनाल बाधवाला के पास, वसाह रोड, आनंद-388540	प्रीकास्ट कांकरीट पाईपस विद तथा विदाउट रेनिफोसमेंट	458	—	—	2003
4.	3621350	7-4-2010	मैसर्स नेशनल इंजिनियरिंग कम्पनी, सर्वे नंबर 658/2, 1, राजेन्द्रा इंडस्ट्रियल एस्टेट, खेरालू उमटा क्रासिंग रोड, माटेल होटल के पीछे, मेहसाना-384315	पावर थ्रेशर	9020	—	—	2002
5.	3621855	12-4-2010	मैसर्स सिल्वर पैलेस प्रा. लिमिटेड, 16, मारडिया प्लाजा, एसोसिएटेड पैट्रोल पम्प के पास, सी जी रोड, अहमदाबाद	स्वर्ण तथा स्वर्ण धातुओं के आभूषण शिल्पकारी— शुद्धता एवं मुहरांकन	1417	—	—	1999
6.	3622453	12-4-2010	मैसर्स हरीशकुमार जयन्तीलाल चोकसी, राजनशापीर के सामने, पादरा, वडोदरा	स्वर्ण तथा स्वर्ण धातुओं के आभूषण शिल्पकारी— शुद्धता एवं मुहरांकन	1417	—	—	1999
7.	3623455	15-4-2010	मैसर्स रामेश्वर जवैलर्स, बी 82, पारस सोसाइटी, जैन देरासर के पास, कटटरगाम दरवाजा, सूरत-395004	स्वर्ण तथा स्वर्ण धातुओं के आभूषण शिल्पकारी— शुद्धता एवं मुहरांकन	1417	—	—	1999
8.	3623556	16-4-2010	मैसर्स अमित पम्पूस, 74, आशीर्वाद एसटेट, फोर्ज तथा ब्लावर के पास, फ्रुट मार्केट के पास, नरोडा रोड, अहमदाबाद-382325	सबमर्सिबल पम्पसेट	8034	—	—	2002

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
9.	3623657	16-4-2010	मैसर्स महावीर इंडस्ट्रीज, प्लॉट नंबर 517, नरोडा जी ई बी के पास, नरोडा देहगाम रोड, नरोडा, अहमदाबाद-382330	सबमर्सिबल पम्पसेट	8034	—	—	2002
10.	3623758	19-4-2010	मैसर्स कैमेट वैटस तथा फ्लोस प्रा. लिमिटेड, डी 63, सिल्वर आर्क, कविन नानालाल मार्ग, एलीसब्रीज, आश्रम रोड, अहमदाबाद-380009	डैल्टामैथरिन एफ	14411	—	—	1996
11.	3625661	27-4-2010	मैसर्स श्री हरि ओम पटेल ज्वैलर्स, पहली मंजिल, बी रचना शॉपिंग सेंटर, कपोदरा, सुरत-395006	स्वर्ण तथा स्वर्ण धातुओं के आभूषण-शिल्पकारी शुद्धता एवं मुहरांकन	1417	—	—	1999
12.	3625762	27-4-2010	मैसर्स रिलायंस, रिटेल लिमिटेड, रिलायंस ज्वैलर्स, स्वामीनारायण मंदिर के पास, मानसी क्रास रोड, जजिस बंगला रोड, वस्त्रापुर, अहमदाबाद-380015	स्वर्ण तथा स्वर्ण धातुओं के आभूषण/शिल्पकारी— शुद्धता एवं मुहरांकन	1417	—	—	1999
13.	3625863	27-4-2010	मैसर्स सुवर्णकला, यू जी 6, शिव आश्रय काम्पलेक्स, लक्ष्मी सिनेमा, चार रस्ता, आनंद-388401	स्वर्ण तथा स्वर्ण धातुओं के आभूषण/शिल्पकारी— शुद्धता एवं मुहरांकन	1417	—	—	1999
14.	3627665	28-4-2010	मैसर्स देवीदयाल सेल्स लिमिटेड, 50/ए, जी आई डी सी कलोल इंडस्ट्रियल एस्टेट, डैरोल कलोल पंचमहल-389330	मैलाथियन इमलसिफाई एबल कंसनट्रेट्स	2567	—	—	1978

[सं. सीएमडी/13:11]

टी. बी. नारायणन, वैज्ञानिक-एफ तथा प्रमुख

New Delhi, the 9th December, 2011

S.O. 3702.—In pursuance of sub-regulation (5) of the Regulation 4 of the Bureau of Indian Standards (Certification) Regulations 1988, of the Bureau of Indian Standards, hereby notifies the grant of licences particulars of which are given in the following schedule :—

SCHEDULE

Sl. No.	Licences No.	Grant Date	Name and Address of the Party	Title of the Standard	IS No.	Part	Sec.	Year
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
1.	3619767	1-4-2010	Visat Beverages, 75/Ram Hadpati Nivas, Nava Bhatar, Udhana, Magdalla Road, Surat - 395007	Packaged Drinking Water	14543	-	-	2004

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
2.	3620146	1-4-2010	Nasa Pumps, 182, Ramnesh Estate, Nr. Gujarat Metal Box, Opp. Madhusudan Textile Mill, Bapunagar Road, Naroda, Ahmedabad-380025	Submersible pumpsets	8034	-	-	2002
3.	3620247	5-4-2010	Gita Hume Pipes Works, Near Canal Vaghwal, , Vasad Road, Borsad, Anand-388540	Precast Concrete Pipes (with and without Reinforcement)	458	-	-	2003
4.	3621350	7-4-2010	National Engineering Company, Survey No. 658/2, 1, Rajendra Industrial Estate, Kheralu-umta Crossing Road, Behind Matel Hotel, Mehsana-384315	Power Threshers	9020	-	-	2002
5.	3621855	12-4-2010	Silver Palace P. Ltd., 16, Mardia Plaza, Nr. Associated Petrol Pump, CG Road, Ahmedabad.	Gold and gold alloys, Jewellery/ artefacts—fineness and marking	1417	-	-	1999
6.	3622453	12-4-2010	Harishkumar Jayantilal Choksi, Opp Rajnshapir, Padra, Vadodara	Gold and gold alloys, Jewellery/ artefacts—fineness and marking -	1417	-	-	1999
7.	3623455	15-4-2010	Rameshwar Jewellers, B-82, Paras Society, Nr. Jain Daherasar, Katar Gam Darwaja. Surat-395004	Gold and gold alloys, Jewellery/ artefacts—fineness and marking	1417	-	-	1999
8.	3623556	16-4-2010	Amita Pumps, 74, Ashirwad Estate, Near Forge And Blower, Opp. Fruit Market, Naroda Road, Ahmedabad-382325	Submersible pumpsets	8034	-	-	2002
9.	3623657	16-4-2010	Mahavir Industries, Plot No.517, Nr. Naroda, G.E.B., Naroda Dehagam Road, Naroda, Ahmedabad- 382330	Submersible pumpsets	8034	-	-	2002

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
10.	3623758	19-4-2010	Chemet Wets and Flows, Pvt. Ltd., D-63 Silver Arc, Kavin Nanalal Marg, Ellisbridge, Ashram Road, Ahmedabad-380009	Deltamethrin F	14411	-	-	1996
11.	3625661	27-4-2010	Shree Hari Om Patel Jewellers, First Floor, B, Rachna Shopping Center, Kapodra, Varachha, Surat-395006	Gold and gold alloys, Jewellery artefacts—fineness and marking	1417	-	-	1999
12.	3625762	27-4-2010	Reliance Retail Ltd., Reliance Jewels, Nr. Swaminarayan Temple, Mansi Cross Road, Judges Bungalow Road, Vastrapur, Ahmedabad-380015	Gold and gold alloys, Jewellery artefacts—fineness and marking -	1417	-	-	1999
13.	3625863	27-4-2010	Suvarnakala, UG 6, Shivashraya Complex, Laxmi Cinema, Char Rasta, Anand-388401	Gold and gold alloys, Jewellery artefacts—fineness and marking	1417	-	-	1999
14.	3627665	28-4-2010	Devidayal (Sales) Ltd, 50/A, GIDC Kalol, Industrial Estate, Derol, Kalol, Panchmahal- 389330	Malathion Emulsifiable 2567 Concentrates	-	-	-	1978

[No. CMD/13 : 11]

T. B. NARAYANAN, Scientist-F & Head

नई दिल्ली, 9 दिसम्बर, 2011

का.आ. 3703.—भारतीय मानक ब्यूरो (प्रमाणन) विनियम, 1988 के विनियम 5 के उप-विनियम (6) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि निम्न विवरण वाले लाइसेंसों को उनके आगे दर्शायी गई तारीख से रद्द/स्थगित कर दिया गया है :-

अनुसूची

क्र. सं.	लाइसेंस संख्या सीएम/एल	लाइसेंसधारी का नाम व पता	लाइसेंस के अन्तर्गत वस्तु/प्रक्रम सम्बद्ध भारतीय मानक का शीर्षक	रद्द करने की तिथि
(1)	(2)	(3)	(4)	(5)
1.	7516474	मैसर्स एसएर एंटरप्राइसिस, कल्पना वे ब्रीज के पास, पीलू फालिया, एन एच नंबर 8, धामडाची, वलसाद-396001	पैकेजबंद पेयजल आईएस 14543: 2004	1-4-2010

[सं. सीएमडी/13:13]

टी. बी. नारायणन, वैज्ञानिक-एफ तथा प्रमुख

New Delhi, the 9th December, 2011

S.O. 3703.—In pursuance of sub-regulation (6) of the Regulation 5 of the Bureau of Indian Standards (Certification) Regulations, 1988, the Bureau of Indian Standards, hereby notifies that the licences particulars of which are given below have been cancelled with effect from the date indicated against each :—

SCHEDULE

Sl. No.	Licence No. CML	Name and Address of the Licensee	Article/Process with relevant Indian Standards covered by the licence cancelled	Date of Cancellation
(1)	(2)	(3)	(4)	(5)
1.	7516474	M/s. Essar Enterprises, Near Kalpana Weigh Bridge, Pilu Falia, NH No. 8, Dhamdachi, Valsad -396 001	Packaged Drinking Water IS : 14543 : 2004	1-4-2010

[No. CMD/13:13]

T. B. NARAYANAN, Scientist F & Head

नई दिल्ली, 9 दिसम्बर, 2011

का.आ. 3704.—भारतीय मानक ब्यूरो (प्रमाणन) विनियम, 1988 के विनियम 4 के उप-विनियम 5 के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिन लाइसेंसों के विवरण नीचे अनुसूची में दिए गए हैं, वे स्वीकृत कर दिए गए हैं :—

अनुसूची

क्रम सं.	लाइसेंस संख्या	स्वीकृत करने की तिथि, वर्ष/माह	लाइसेंसधारी का नाम एवं पता	भारतीय मानक का शीर्षक	भा. मा. संख्या	भाग	अनु.	वर्ष
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
1.	3627261	4-5-2010	मैसर्स एच वी बिबरेजस, प्लाट नंबर 25, क्रम संख्या 512-ए पैकी, महावीर स्टील फैक्टरी के पीछे, गांव खराच, वाया कोसाम्बा, भारुच	पैकेजबंद पेयजल	14543	—	—	2004
2.	3627968	5-5-2010	मैसर्स पटानकर ज्वैलर्स, शॉप-3 मानेकराँव अखाडा के सामने, पारश्वा ए वी डांडिया बाजार, वडोदरा-390001	स्वर्ण तथा स्वर्ण धातुओं के आभूषणों शिल्पकारी — शुद्धता एवं मुहरांकन	1417	—	—	1999
3.	3628061	5-5-2010	मैसर्स पाहोनी ज्वैलरी लिमिटेड, 111, शिल्प बिल्डिंग, सी जी रोड, अहमदाबाद-380009	स्वर्ण तथा स्वर्ण धातुओं के आभूषणों शिल्पकारी — शुद्धता एवं मुहरांकन	1417	—	—	1999
4.	3628364	5-5-2010	मैसर्स राज ज्वैलर्स, हाउस नंबर 14, हनुमान रोड, वलसाद-396191	स्वर्ण तथा स्वर्ण धातुओं के आभूषणों शिल्पकारी — शुद्धता एवं मुहरांकन	1417	—	—	1999

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
5.	3628465	5-5-2010	मैसर्स पुष्पाराज जवैलर्स, 139, अमीपार्क सोसाइटी, पूनागाम रोड, कर्गिल चौक, सूरत	स्वर्ण तथा स्वर्ण धातुओं 1417 के आभूषणों शिल्पकारी— शुद्धता एवं मुहरांकन	—	—	1999	
6.	3628768	5-5-2010	मैसर्स कैमेट वैंटस तथा फलोस प्रा. लिमिटेड, प्लॉट नंबर 129/सी/2, जी आई डी सी एस्टेट, अंकलेश्वर, भारूच	डैल्टामैथरिन यू एलवी 15227	—	—	2002	
7.	3628263	6-5-2010	मैसर्स विनोद जवैलर्स, ई एल 6, मारुति काम्पलैक्स, सुभाष चौक, गुरुकुल रोड, मेमनगर, अहमदाबाद-380052	स्वर्ण तथा स्वर्ण धातुओं 1417 के आभूषणों शिल्पकारी— शुद्धता एवं मुहरांकन	—	—	1999	
8.	3628869	6-5-2010	मैसर्स तृप्ति फूड तथा बिजरेज, ब्लाक नंबर 32, अमरोली, छापडा भाथा रोड, तक्षिला स्कूल के पास, सूरत	पैकेजबंद पेयजल 14543	—	—	2004	
9.	3630654	6-5-2010	मैसर्स किरिट इलैक्ट्रिकल्स, 258, विजय इंडस्ट्रियल एस्टेट, टूल वर्कशॉप रोड, भिक्षूक गृह के पास, ओढव, अहमदाबाद	ओपलवैल सबमर्सिबल 14220 पम्पसैट	—	—	1994	
10.	3628667	7-5-2010	मैसर्स नवकार मैटल्स लिमिटेड, प्लॉट नंबर 342 ए तथा बी, शैंड नंबर सी/1/515 तथा 516, जी आई डी सी ओढव, अहमदाबाद	स्टैनलैस स्टील सिंक्स 13983 फार डोमैस्टिक परपस	—	—	1994	
11.	3629871	14-5-2010	मैसर्स एबीएक्स एल इंडिया प्रा. लिमिटेड, 1, 2, 3, ग्राउंड फ्लोर, गैलेक्सी बाजार बिल्डिंग, सनराईस पार्क के सामने, गोपीनाथ सोसाइटी के पास, हिमालया माल के सामने, वस्त्रापुर, अहमदाबाद-380052	स्वर्ण तथा स्वर्ण धातुओं 1417 के आभूषणों शिल्पकारी— शुद्धता एवं मुहरांकन	—	—	1999	
12.	3631353	17-5-2010	मैसर्स एक्सप्लोसनप्रुफ इलैक्ट्रिकल कंट्रोल, प्लॉट नंबर 920, 4 फेस, आर आर कैमिकल के सामने, जी आई डी सी, वापी, वलसाद-396195	फलेमप्रुफ एनकलोसर 2148 फार इलैक्ट्रिकल एपरेट्स	—	—	2004	
13.	3630755	19-5-2010	मैसर्स श्री अरूण जवैलर्स, भवसारवाड, चौकसी बाजार, नडियाड, खेडा डिस्ट्रिक्ट-387001	स्वर्ण तथा स्वर्ण धातुओं 1417 के आभूषणों शिल्पकारी— शुद्धता एवं मुहरांकन	—	—	1999	

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
14.	3630856	19-5-2010	मैसर्स सोनी चंपकलाल तथा सन्स ज्वैलर्स, 6/1280 कंसाराड लेन, डाडंगवाड, नवसारी 396 445	स्वर्ण तथा स्वर्ण धातुओं के आभूषणों शिल्पकारी शुद्धता एवं मुहरांकन	1417	—	—	1999
15.	3630957	19-5-2010	मैसर्स बहूरानी ज्वैलर्स, सत्यम टावर के सामने, मणीनगर रेलवे स्टेशन, अहमदाबाद 380008	स्वर्ण तथा स्वर्ण धातुओं के आभूषणों शिल्पकारी शुद्धता एवं मुहरांकन	1417	—	—	1999
16.	3631050	19-5-2010	मैसर्स रिलायंस रिटेल लिमिटेड, रिलायंस ज्वैलर्स, स्वामीनारायण मंदिर के पास, मानसी क्रॉस रोड, जजिस बंगला रोड, वस्त्रापुर अहमदाबाद 380015	चाँदी तथा चाँदी धातुओं के आभूषणों शिल्पकारी शुद्धता एवं मुहरांकन	2112	—	—	2003
17.	3631252	20-5-2010	मैसर्स वीर टेक्नोलॉजी प्रा लिमिटेड, बंसीधर कम्पाउंड, एस पी रिंग रोड, कामोड गाँव के पास, अहमदाबाद 382405	पैकेजबंद पेयजल	14543	—	—	2004
18.	3631757	20-5-2010	मैसर्स बजाज हेल्थकेयर लिमिटेड, ब्लाक नंबर 588, गाँव सोथाडा, ता सावली, बडोदरा 391776	एसकारबिक एसिड, फूड ग्रेड	5342	—	—	1996
19.	3632153	21-5-2010	मैसर्स गुजरात राफिया इंडस्ट्रीज लिमिटेड, 455, वडसर रोड गाँव सांतेज, ताल्लुका कलोल, गांधीनगर 382721	टेक्सटाईल टारपोलिन, मेड फ्राम हाई डैनसिटी पोलथिलीन वोवन फैब्रिक	7903	—	—	2005
20.	3633054	25-5-2010	मैसर्स एक्वा प्लस एंटरप्राइस इंडिया प्रा. लिमिटेड, 704/सी फेस 4, जी आई डी सी एसटेट, नरोडा अहमदाबाद	पैकेजबंद पेयजल	14543	—	—	2004
21.	3633256	25-5-2010	मैसर्स स्काई तथा स्काईलार्क इंडस्ट्रियल प्रोडक्ट, शेड नंबर सी 1 बी-2513 तथा बी 2512, जी आई डी सी अंकलेश्वर, भारूच 393002	पोनसियू 4 आर, फूड ग्रेड	2558	—	—	1994
22.	3633458	25-5-2010	मैसर्स स्काई तथा स्काईलार्क इंडस्ट्रियल प्रोडक्ट, शेड नंबर सी 1 बी-2513 तथा बी 2512, जी आई डी सी अंकलेश्वर, भारूच 393002	सनसैट यैलो, फूड ग्रेड	1695	—	—	1994

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
23.	3633155	25-5-2010	मैसर्स स्काई तथा स्काईलार्क इंडस्ट्रियल प्रोडक्ट, शैड नंबर सी 1 बी-2513 तथा बी 2512, जी आई डी सी अंकलेश्वर, भारूच 393002	कार्मोसाइन, फूड ग्रेड	2923	—	—	1995
24.	3633357	25-5-2010	मैसर्स स्काई तथा स्काईलार्क इंडस्ट्रियल प्रोडक्ट, शैड नंबर सी 1 बी-2513 तथा बी 2512, जी आई डी सी अंकलेश्वर, भारूच 393002	टाटराजिन फूड ग्रेड	1694	—	—	1994
25.	3633559	25-5-2010	मैसर्स सोनी जयेन्द्रकुमार चुनीलाल, डी 2, काशीबा शापिंग सेंटर, काशीबा सोसाइटी के पास, रामजी मंदिर रोड, रानिप, अहमदाबाद 382 480	स्वर्ण तथा स्वर्ण धातुओं के आभूषणों शिल्पकारी शुद्धता एवं मुहरांकन	1417	—	—	1999
26.	3636060	28-5-2010	मैसर्स कुंज बिबरेज, प्लॉट नंबर 255, जीआईडीसी, सुजानपुर, पाटन 384 151	पैकेजबंद पेयजल	14543	—	—	2004
27.	3635866	28-5-2010	मैसर्स तिरुपति फूड तथा बिबरेजस, नवा रोड, खारगाम, ताल्लुका चिखली, नवसारी 396040	पैकेजबंद पेयजल	14543	—	—	2004
28.	3635260	28-5-2010	मैसर्स महेश इंडस्ट्रीज, प्लॉट नंबर 262, जी वी एम एम इंडस्ट्रियल एस्टेट, ओढव अहमदाबाद 382 415	ईरीगेशन इक्वूपमेंट सपरीकलर पाईप पार्ट 2 क्वीक कपलड पालीथलीन पाईप	14151	2	—	1999
29.	3635361	12-5-2010	मैसर्स मेधमणी ओरगैनिक लिमिटेड, प्लॉट नंबर 402 से 404 तथा 452 से 454, पी ओ चारोडी, ताल्लुका सानंद, अहमदाबाद	क्लोरोफायरीफास इमलसिफाएबल कंसंट्रेट	8944	—	—	1978
30.	3635159	28-5-2010	मैसर्स महेश इंडस्ट्रीज, प्लॉट नंबर 262, जी वी एम एम इंडस्ट्रियल एस्टेट, ओढव अहमदाबाद 382 415	हाई डैनसिटी पालीथलीन पाईप फॉर पोटेबल वाटर सपलाई	4984	—	—	1995
31.	3636161	26-5-2010	मैसर्स यूनिफलैक्स केबल लिमिटेड, प्लॉट नंबर 153, जी आई डी सी, अंबरगाँव, वलसाद 396171	एल्यूमिनियम कंडक्टर फार ओवरहैड ट्रांस-मिशन परपस पार्ट 2 एल्यूमिनियम कंडक्टर, गैलवेनाईस्ट स्टील रेनीफोरसड	398	2	—	1996

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
32.	3636262	26-5-2010	मैसर्स यूनिफलेक्स केबल लिमिटेड, प्लॉट नंबर 153, जी आई डी सी, अंबरगाँव, वलसाद 396171	एल्यूमिनियम कंडक्टर फार ओवरहेड ट्रांस- मिशन परपस पार्ट 2 एल्यूमिनियम कंडक्टर, गैलवेनाईस्ट स्टील रेनीफोर्सड	398	1	-	1996
33.	3636363	26-5-2010	मैसर्स यूनिफलेक्स केबल लिमिटेड, प्लॉट नंबर 153, जी आई डी सी, अंबरगाँव, वलसाद 396171	एल्यूमिनियम कंडक्टर फार ओवरहेड ट्रांस- मिशन परपस पार्ट 2 एल्यूमिनियम कंडक्टर, गैलवेनाईस्ट स्टील रेनीफोर्सड				
34.	3636565	26-5-2010	मैसर्स रोहन एंटरप्राइस, 338, सड़क मोहल्ला, हाइवे चोक्डी के पास, एट तथा पोस्ट बहेसन, ताल्लुका चोरियासी, सूरत 395005	पैकेजबंद पेयजल	14543	-	-	2004

[सं. सीएमडी 13:11]

टी. बी. नारायणन, वैज्ञानिक एफ एव प्रमुख

New Delhi, the 9th December, 2011

S.O. 3704.—In pursuance of sub-regulation (5) of the regulation 4 of the Bureau of Indian Standards (Certification) Regulations 1988, of the Bureau of Indian Standards hereby notifies the grant of licences particulars of which are given in the following schedule :—

SCHEDULE

Sl. No.	Licences No.	Grant Date	Name and Address of the Party	Title of the Standard	IS No.	Part	Sec.	Year
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
1.	3627261	4-5-2010	H.V. Beverages, Plot No. 25, S.No.512-A, Paiki, B/H Mahavir Steel Factory, Village Kharach Via Kosamba Bharuch	Packaged Drinking Water	14543	-	-	2004
2.	3627968	5-5-2010	Pattankar jewellers, Shop-3 Opp Manekrao Akhada, Parshwa Av. Dandia Bazar, Vadodara 390001	Gold and Gold Alloys, Jewellery/ Artefacts-fineness and marking	1417	-	-	1999
3.	3628061	5-5-2010	Pahini jewellery Ltd., 111, Shilp Building, C.G. Road, Ahmedabad 380009	Gold and Gold Alloys, Jewellery/ Artefacts-fineness and marking	1417	-	-	1999
4.	3628364	5-5-2010	Raj jewellers, House No. 14, Hanuman Road, Valsad 396 191	Gold and Gold Alloys, Jewellery/ Artefacts-fineness and marking	1417	-	-	1999

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
5.	3628465	5-5-2010	Pushparaj jewellers 139 Amipark Society, Punagam Road, Kargil Chawk, Surat	Gold and Gold Alloys, Jewellery/ artefacts-fineness and marking	1417	-	-	1999
6.	3628768	5-5-2010	Chemet Wets & Flows Pvt Ltd. Plot No.129/C/2, GIDC Estate, Ankleshwar, 2 Bharuch-393002	Deltamethrin ULV	15227	-	-	2002
7.	3628263	6-5-2010	Vinod jewellers EL-6 Maruti Complex, Subhash Chowk, Gurukul Road, Memnagar, Ahmedabad-380 052	Gold and Gold Alloys, Jewellery/ artefacts-fineness and marking	1417	-	-	1999
8.	3628869	6-5-2010	Trupti Food and Beverages Block No. 32, Amroli Chhapra Bhatha Road, Nr. Taxsila School, Surat	Packaged Drinking Water	14543	-	-	2004
9.	3630654	6-5-2010	Kirit Electricals 258 Vijay Industrial Estate, Central Workshop Road, Nr. Bhikshukgruh, Odhav, Ahmedabad	Openwell Submersible Pumpsets	14220	-	-	1994
10.	3628667	7-5-2010	Shri Navkar Metals Limited Plot No. 342 A and B, Shed No. C/1/515 and 516, GIDC Odhav, Ahmedabad- 382415	Stainless steel sinks for domestic purposes	13983	-	-	1994
11.	3629871	14-5-2010	Abxl Retail (India) Pvt.Ltd. 1,2,3, Ground Floor Galaxy, Bazar Building, Opp Sunrise Park, Near Gopinath Society, Opp. Himalaya Mall, Vastrapur Ahmedabad-380052	Gold and Gold Alloys, Jewellery/ artefacts-fineness and marking	1417	-	-	1999
12.	3631353	17-5-2010	Explosionproof Electrical Control Plot No. 920, IV-Phase, Opp. R.R. Chemical, G.I.D.C.-Vapei Valsad-396 195	Flameproof enclosures for electrical apparatus	2148	-	-	2004
13.	3630755	19-5-2010	Shree Arun jewellers Bhavsarwad, Choksi Bazar, Nadiad Dist Kheda -87001	Gold and Gold Alloys, Jewellery/ artefacts-fineness and marking	1417	-	-	1999
14.	3630856	19-5-2010	Soni Champaklal & Sons Jewellers, 6/1280 Kansarwad Lane, Dadangwad, Navsari-396 445	Gold and Gold Alloys, Jewellery/ artefacts-fineness and marking	1417	-	-	1999
15.	3630957	19-5-2010	Bahurani jewellers Opp. Satyam Tower,, Mainnagar Rly. Station Ahmedabad-380008	Gold and Gold Alloys, Jewellery/ artefacts-fineness and marking	1417	-	-	1999
16.	3631050	19-5-2010	Reliance Retail Ltd Reliance Jewels, Nr. Swaminarayan Temple, Mansi Cross Road, Judges Bungalow Road, Vastrapur, Ahmedabad-380015	Silver and Silver Alloys, Jewellery/ artefacts-fineness and marking	2112	-	-	2003

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
17.	3631252	20-5-2010	Vir Technology Pvt. Ltd. Bansidhar Compound, S. P. Ring Road, Nr. Kamod Village, Ahmedabad-382405	Packaged Drinking Water	14543	-	-	2004
18.	3631757	20-5-2010	Bajaj Healthcare Ltd. Block No. 588, Village Sothada, Taluka Savli, Vadodara-391776	Ascorbic Acid, Food Grade	5342	-	-	1996
19.	3632153	21-5-2010	Gujarat Raffia Industries Limited 455, Vadsar Road, Village Santej, Taluka Kalol Gandhinagar-382721	Textiles-Tarpaulins made from high density polyethylene woven fabric	7903	-	-	2005
20.	3633054	25-5-2010	Aqua Plus Enterprise (India) Pvt Ltd., 704/C Phase IV, GIDC Estate Naroda, Ahmedabad	Packaged Drinking Water	14543	-	-	2004
21.	3633256	25-5-2010	Sky & Skylark Industrial Products, Shed No.C1B-2513/B &2512, G.I.D.C. Ankleshwar, Bharuch- 393002	Ponceau 4R, Food Grade	2558	-	-	1994
22.	3633458	25-5-2010	Sky & Skylark Industrial Products, Shed No.C1B-2513/B &2512, G. I.D.C. Ankleshwar, Bharuch- 393002	Sunset Yellow, Food Grade	1695	-	-	1994
23.	3633155	25-5-2010	Sky & Skylark Industrial Products, Shed No.C1B-2513/B &2512, G. I.D.C. Ankleshwar, Bharuch- 393002	Carmoisine, Food Grade	2923	-	-	1995
24.	3633357	25-5-2010	Sky & Skylark Industrial Products, Shed No.C1B-2513/B &2512, G.I.D.C. Ankleshwar, Bharuch- 393002	Tartrazine, Food Grade	1694	-	-	1994
25.	363359	25-5-2010	Soni Jayendrakumar Chunilal D/2 Kashiba Shoping Centre Near Kashiba Society, Ramji Mandir Road, Ranip Ahmedabad-382 480	Gold and Gold Alloys, Jewellery/ artefacts-fineness and marking	1417	-	-	1999
26.	3636060	28-5-2010	Kunj Beverages Plot No. 255, GIDC Sujanpur, Patan-384 151,	Packaged Drinking Water	14543	-	-	2004
27.	3635866	28-5-2010	Tirupati Food & Beverages Nava Road, Khargam, Taluka Chikhli, Navsari- 396040	Packaged Drinking Water	14543	-	-	2004

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
28.	3635260	28-5-2010	Mahesh Industries Plot No. 262, G.V.M.M.Ind Estate, Odhav, Ahmedabad-382 415	Irrigation Equipment- Sprinkler Pipes	14151	2	-	1999
29.	3635361	12-5-2010	Meghmani Organics Limited Plot No. 402 to 404 and, 452 to 454, Po.-Chharodi, Taluka-Sanand, Ahmedabad	Chlorpyrifos Emulsi- fiable Concentrates	8944	-	-	1978
30.	3635159	28-5-2010	Mahesh Industries Plot No. 262, G.V.M.M.Ind Estate, Odhav, Ahmedabad-382 415	High Density Polye- thylene Pipes for Potable Water Supplies	4984	-	-	1995
31.	3636161	26-5-2010	Uniflex Cables Limited Plot No. 153, GIDC Umbergaon, Valsad- 396 171	Aluminium Con- ductors for overhead transmission purposes	398	2	-	1996
32.	3636262	26-5-2010	Uniflex Cables Limited Plot No. 153, GIDC Umbergaon, Valsad- 396 171	Aluminium Con- ductors for overhead transmission purposes	398	1	-	1996
33.	3636363	26-5-2010	Uniflex Cables Limited Plot No. 153, GIDC Umbergaon, Valsad- 396 171	Aluminium Con- ductors for overhead transmission purposes	398	4	-	1994
34.	3636565	26-5-2010	Rohan Enterprise 338, Sadak Moholla, Near Highway Chokdi, AT. & Post Bhesan, Taluka Choriyasi, Surat- 395 005	Packaged Drinking Water (other than Packaged Natural Mineral Water	14543	-	-	2004

[No. CMD/13 : 11]

T. B. NARAYANAN, Scientist F & Head

नई दिल्ली, 9 दिसम्बर, 2011

का.आ. 3705.—भारतीय मानक ब्यूरो (प्रमाणन) विनियम, 1988 के नियम 4 के उप-नियम (5) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिन लाइसेंसों के विवरण नीचे अनुसूची में दिए गए हैं, वे स्वीकृत कर दिए गए हैं :—

अनुसूची

क्रम सं.	लाइसेंस संख्या	स्वीकृत करने की तिथि वर्ष/माह	लाइसेंसधारी का नाम एवं पता	भारतीय मानक का शीर्षक	भा. मा. संख्या	भाग	अनु.	वर्ष
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
1.	3638569	8-6-2010	मैसर्स सोनी दक्षेश कुमार जयेन्द्र भाई, 211, के टी प्लाजा, रतनपोल, फुव्वारा गांधी रोड के सामने, अहमदाबाद	स्वर्ण तथा स्वर्ण धातुओं के आभूषणों शिल्पकारी शुद्धता एवं मुहरांकन	1417	-	-	1999

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
2.	3639066	8-6-2010	मैसर्स कन्स्यूमर प्लास्टिक प्रा. लिमिटेड, प्लॉट नंबर 16/19, फेस-1, जी आई डी सी, वापी, वलसाद- 396 195	हाई डैन्सिटी पोलिथिलीन पाईप फार पोटेबल वाटर सप्लायस	4984	-	-	1995
3.	3638872	8-6-2010	मैसर्स शाह एलोय लिमिटेड, शाह इंडस्ट्रियल एस्टेट, ब्लाक नंबर 2221/2222, शोला कलोल रोड, सांतेज, गांधीनगर	कार्बन स्टील कास्ट बिलेट इनगोट, बिलेट्स, ब्लूमस तथा सलैब फार रिलोडिंग इनटू स्टील फार जनरल स्टकचर्चल परपस		-	-	1992
4.	3638973	8-6-2010	मैसर्स अपैक्स केबल इंडस्ट्रीज, सी-1/10, जी आई डी सी, अनटालिया, बिलीमोरा, नवसारी-396325	पी वी सी ईसूलेटिड केबल	694	-	-	1990
5.	3640354	15-5-2010	मैसर्स यूनिफालैक्स केबल लिमिटेड, प्लॉट नंबर 153, जी आई डी सी, अंबरगांव, वलसाद-396171	एल्यूमिनियम कंडक्टर फार ओवरहेड ट्रांस- मिशन परपस	398	5	-	1992
6.	3641255	22-6-2010	मैसर्स नवरंग जवैलर्स, 365/16, सरसपुर मिल के सामने अंबेडकर हॉल के सामने, सरसपुर, अहमदाबाद-380 018	स्वर्ण तथा स्वर्ण धातुओं के आभूषणों शिल्पकारी शुद्धता एवं मुहरांकन	1417	-	-	1999
7.	3641356	22-6-2010	मैसर्स गुरुकृपा इंडस्ट्रीज, ब्लाक नंबर 404/बी, पसुंज रोड, गाँव कुबाडथाल, अहमदाबाद- 382430	प्लाईवुड फार जनरल परपस	303	-	-	1989
8.	3641457	22-6-2010	मैसर्स गुरुकृपा इंडस्ट्रीज, ब्लाक नंबर 404/बी, पसुंज रोड, गाँव कुबाडथाल, अहमदाबाद- 382430	ब्लाक बोर्ड	1659	-	-	2004
9.	3641659	23-6-2010	मैसर्स श्री उमिया इलेक्ट्रिक तथा इंजिनियरिंग वर्क्स, महावीर सों मिल कम्पाउंड, सतलुज होटल के पास, नरोडा रोड, पी ओ कृष्णानगर, अहमदाबाद-382346	सबमर्सिबल पम्पसैट	8034	-	-	2002
10.	3641962	23-6-2010	मैसर्स पीआई इंडस्ट्रीज (यूनिट-2), प्लॉट नंबर 31/32, जी आई डी सी, फेस III, नरोडा, अहमदाबाद- 382330	अट्राजिन डब्ल्यू पी	12931	-	-	1990
11.	3642055	22-6-2010	मैसर्स कलैनजोन सिस्टम (इंडिया), प्रा. लिमिटेड, प्लॉट नंबर 285, फेस II, जी आई डी सी एस्टेट, अंबरगाँव, वलसाद-396 172	पैकेजबंद पेयजल	14543	-	-	2004

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
12.	3641861	10-6-2010	मैसर्स रैक्सा हैल्थ केयर, कुम्हारखांच फालिया, हाई स्कूल के सामने, देहगाम, नवसारी-396 530	पैकेजबंद पेयजल	14543	-	-	2004
13.	3642257	24-6-2010	मैसर्स पैसिफिक पाईप सिस्टम, प्रा. लिमिटेड, प्लाट नंबर 36-43, (पी)101(पी), इंडस्ट्रियल वेस्ट तथा वाटर नारायणपुरा, चंद्रासन, सानद, अहमदाबाद-382 170	जी आई पी पाईप ज्वाइंट तथा फिटिंग फार सिवरेज, (अदर दैन पोटेबल)	14402	-	-	1996
14.	3642560	24-6-2010	मैसर्स कैमट वैटस तथा फलोस प्रा. लिमिटेड, प्लाट नंबर 129/सी/2, कंसनट्रेट जी आई डी सी एस्टेट, अकलेश्वर भारूच-393 002	प्रोपाक्सर इमलसिफायेबल कंसनट्रेट	9665	-	-	1981
15.	3642762	24-6-2010	मैसर्स देवीदयाल (सेल्स) लिमिटेड, 50/ए, जी आई डी सी, कलोल इंडस्ट्रियल एस्टेट, कलोल, पंचमहल-389 330	अटराजिन डब्ल्यू पी	12931	-	-	1990
16.	3643057	22-6-2010	मैसर्स मैट्रो इंडस्ट्रीज, 48, सतसंग इंडस्ट्रियल एस्टेट, एस वी पी रिंग रोड सर्कल, ओढव, अहमदाबाद-382 415	स्टार्टर्स फार फ्लोरोसेंट लैंप्स	2215	-	-	2006

[सं. सीएमडी/13 : 11]

टी. बी. नारायणन, वैज्ञानिक एफ एवं प्रमुख

New Delhi, the 9th December, 2011

S.O. 3705.—In pursuance of sub-regulation (5) of the regulation 4 of the Bureau of Indian Standards (Certification) Regulations, 1988, of the Bureau of Indian Standards, hereby notifies the grant of licences particulars of which are given in the following schedule :—

SCHEDULE

Sl. No.	Licence No.	Grant Date	Name and Address of the Party	Title of the Standard	IS No.	Part	Sec.	Year
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
1.	3638569	8-6-2010	Soni Daxesh Kumar Jayendrabhai, 211, K.T.Plaza, Ratanpole, Opp. Fuwara Gandhi Road, Ahmedabad	Gold and Gold Alloys, Jewellery/ Artefacts-Fineness and Marking	1417	-	-	1999
2.	3639066	8-6-2010	Consumer Plastics Pvt. Ltd. Plot No. 16/19, Phase-I, GIDC, Vapi, Valsad-396 195	High Density Polyethylene Pipes for Potable Water Supplies	4984	-	-	1995
3.	3638872	8-6-2010	Shah Alloys Ltd. Shah Industrial Estate, Block No. 2221/2222, Sola Kalol Road, Santej, Gandhinagar	Carbon steel cast billet ingots, billets, blooms and slabs for re-rolling into steel for general structural purposes	2830	-	-	1992

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
4.	3638973	8-6-2010	Apex Cable Industries, C-1/10, GIDC, Antalia, Bilimora Navsari 396 325	PVC Insulated cables	694	-	-	1990
5.	3640354	15-5-2010	Uniflex Cables Limited Plot No. 153, GIDC Umbergaon Valsad 396 171	Aluminium con- ductors for overhead transmission purposes	398	5	-	1992
6.	3641255	22-6-2010	Navrang Jewellers 365/16, Opp Saraspur Mill, Near Ambedkar Hall, Saraspur Ahmedabad 380 018	Gold and Gold alloys, Jewellery/ Artefacts-Fineness and Marking	1417	-	-	1999
7.	3641356	22-6-2010	Gurukrupa Industries Block No. 404/B, Pasunj Road, Vill Kubadthal, Ahmedabad 382430	Plywood for General Purposes	303	-	-	1989
8.	3641457	22-6-2010	Gurukrupa Industries Block No. 404/B, Pasunj Road, Vill Kubadthal, Ahmedabad 382430	Block Boards	1659	-	-	2004
9.	3641659	23-6-2010	Shree Umiya Electric and Engineering Works, Mahavir Saw Mill Compound, Near Satluj Hotel, Naroda Road, P.O. Krishnanagar, Ahmedabad 382346	Submersible Pumpsets	8034	-	-	2002
10.	3641962	23-6-2010	PI Industries Ltd. (Unit 2) Plot No. 31/32, GIDC, Phase III, Naroda, Ahmedabad 382330	Atrazine WP	12931	-	-	1990
11.	3642055	22-6-2010	Kleanzone Systems (India) Pvt. Ltd., Plot No.285, Phase II, G.I.D.C. Estate, Umbergaon, Valsad 396 172	Packaged Drinking Water	14543	-	-	2004
12.	3641861	10-6-2010	Raxa Health Care, Kumbharkhanch Falia, Near High School, Dehgam Navsari 396530	Packaged Drinking Water	14543	-	-	2004
13.	3642257	24-6-2010	Pacific Pipe Systems Pvt. Ltd., Plot No. 36-43, (P) 101(P), Naranpura, Chandrasan, Sanand, Ahmedabad 382170	GRP pipes joints and fittings for sewerage, industrial waste and water (other than potable)	14402	-	-	1996
14.	3642560	24-6-2010	Chemet Wets & Flows Pvt. Ltd., Plot No.129/C/2,GIDC, Ahmedabad Bharuch 393 002	Propoxur Emulsi- fiable Concentrates	9665	-	-	1981
15.	3642762	24-6-2010	Devidayal (Sales) Limited 50 A, GIDC Industrial Estate, Kalol, Panchmahal 389 330	Atrazine WP	12931	-	-	1990
16.	3643057	22-6-2010	Metro Industries, 48, Satsung Indl. Estate, S.V.P. Ring Road Circle, Odhav, Ahmedabad 382415	Starters for Fluores- cent Lamps	2215	-	-	2006

नई दिल्ली, 9 दिसम्बर, 2011

का.आ. 3706.—भारतीय मानक ब्यूरो (प्रमाणन) विनियम, 1988 के विनियम 5 के उप-विनियम (6) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि निम्न विवरण वाले लाइसेंसों को उनके आगे दर्शायी गई तारीख से रद्द/स्थगित कर दिया गया है :—

अनुसूची

क्र. सं.	लाइसेंस संख्या सी एम/एल-	लाइसेंसधारी का नाम व पता	लाइसेंस के अन्तर्गत वस्तु/प्रक्रम सम्बद्ध भारतीय मानक का शीर्षक	रद्द करने की तिथि
(1)	(2)	(3)	(4)	(5)
1.	7978617	मैमर्स बंसी इंडस्ट्रीज, प्लॉट नंबर 227/4, कैमीनोवा इंडस्ट्रीज के सामने, जी आई डी सी, पनोली, डिस्ट्रिक्ट भारूच	हाई डेंसिटी पालिथिलीन पाईप्स फार पोटेबल वाटर सप्लाइस आई एस 4984:1995	23-06-2010
2.	7038060	मैमर्स जेनूफलेक्स केबल्स प्रा. लि., ए-2/1, साबरमती इंडस्ट्रियल को. ओप. सोसाइटी, गुरु कोल्ड स्टोरेज के पीछे, ओ एन जी सी, कलोल हाइवे, साबरमती, अहमदाबाद-380005	पी वी सी इंसूलेटिड केबल्स आई एस 694:1990	28-06-2010

[सं. सी एम डी/13:13]

टी. बी. नारायणन, वैज्ञानिक 'एफ' एवं प्रमुख

New Delhi, the 9th December, 2011

S.O. 3706.—In pursuance of sub-regulation (6) of the Regulation 5 of the Bureau of Indian Standards (Certification) Regulations, 1988, the Bureau of Indian Standards, hereby notifies that the licences particulars of which are given below have been cancelled with effect from the date indicated against each :—

SCHEDULE

Sl. No.	Licences No. CM/L-	Name and Address of the Licensee	Article/Process with relevant Indian Standards covered by the licence cancelled	Date of Cancellation
(1)	(2)	(3)	(4)	(5)
1.	7978617	M/s Bansi Industries, Plot No. 227/4, Opp Cheminova Industries, GIDC, Panoli Distt-Bharuch	High Density Polyethylene Pipes for Potable Water Supplies IS 4984:1995	23-06-2010
2.	7038060	M/s. Jainflex Cables Pvt. Ltd. A-2/1, Sabarmati Industrial Co- Op Society, Behind Guru Cold Storage, ONGC Kalol Highway, Sabarmati, Ahmedabad-380 005	PVC Insulated Cables IS 694:1990	28-06-2010

[No. CMD/13:13]

T. B. NARAYANAN, Scientist 'F' & Head

नई दिल्ली, 9 दिसम्बर, 2011

का.आ. 3707.—भारतीय मानक ब्यूरो (प्रमाणन) विनियम, 1988 के नियम 4 के उपनियम (5) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिन लाइसेंसों के विवरण नीचे अनुसूची में दिए गए हैं, वे स्वीकृत कर दिए गए हैं :-

अनुसूची

क्रम सं.	लाइसेंस संख्या	स्वीकृति करने की तिथि/वर्ष/माह	लाइसेंसधारी का नाम एवं पता	भारतीय मानक का शीर्षक	भा मा संख्या	भाग	अनु वर्ष
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8) (9)
1.	3643764	01-07-2010	मैसर्स आशापुरी गोल्ड ओरनामेंट्स प्रा. लिमिटेड, 1170-बानधेरा नो खांचो एम जी हवेली रोड, मानेक चौक, अहमदाबाद-380001	स्वर्ण तथा स्वर्ण धातुओं के आभूषणों शिल्पकारी शुद्धता एवं मुहरांकन	1417	-	- 1999
2.	3644261	05-07-2010	मैसर्स रिलायंस जैमस एंड ज्वैल्स लिमिटेड, ग्राउंड फ्लोर एंड पहली मंजिल, प्रेरणा आरबर, समुद्रा अनैक्स के सामने, गिरिश कोल्ड ड्रिंक के पास, क्रासिंग सी जी रोड, अहमदाबाद-380009	स्वर्ण तथा स्वर्ण धातुओं के आभूषणों शिल्पकारी शुद्धता एवं मुहरांकन	1417	-	- 1999
3.	3644362	05-07-2010	मैसर्स रिलायंस जैमस एंड ज्वैल्स लिमिटेड, ग्राउंड फ्लोर एंड पहली मंजिल, प्रेरणा आरबर, समुद्रा अनैक्स के सामने, गिरिश कोल्ड ड्रिंक के पास, क्रासिंग सी जी रोड, अहमदाबाद-380009	चाँदी तथा चाँदी धातुओं के आभूषणों शिल्पकारी शुद्धता एवं मुहरांकन	2112	-	- 2003
4.	3644564	05-07-2010	मैसर्स रिलायंस जैमस एंड ज्वैल्स लिमिटेड, मानसी क्रास रोड, जजिस बंगला रोड, वस्त्रापुर अहमदाबाद-380015	स्वर्ण तथा स्वर्ण धातुओं के आभूषणों शिल्पकारी शुद्धता एवं मुहरांकन	1417	-	- 1999
5.	3644463	06-07-2010	मैसर्स रिलायंस जैमस एंड ज्वैल्स लिमिटेड, मानसी क्रास रोड, जजिस बंगला रोड, वस्त्रापुर, अहमदाबाद-380015	चाँदी तथा चाँदी धातुओं के आभूषणों शिल्पकारी शुद्धता एवं मुहरांकन	2112	-	- 2003

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
6.	3644665	05-07-2010	मैसर्स परीख कांतिलाल दयाभाई 5/6/64, लीलावती शॉपिंग सेंटर, स्टेशन रोड, बैंक आफ बड़ोदा के पास, आनंद-388001	स्वर्ण तथा स्वर्ण धातुओं के आभूषणों शिल्पकारी शुद्धता एवं मुहरांकन	1417	-	-	1999
7.	3644766	07-07-2010	मैसर्स मैरुलिया ज्वैल्स, शॉप नंबर 23, जार्जली आरकडे, गोड डोड रोड, सूरत	स्वर्ण तथा स्वर्ण धातुओं के आभूषणों शिल्पकारी शुद्धता एवं मुहरांकन	1417	-	-	1999
8.	3645061	08-07-2010	मैसर्स ऐरहाम ज्वैल्स, 13 ए, एस एच नंबर जी 15, रीजेंट हाई स्ट्रीट माल, गोड डोड रोड, अथवा, सूरत	स्वर्ण तथा स्वर्ण धातुओं के आभूषणों शिल्पकारी शुद्धता एवं मुहरांकन	1417	-	-	1999
9.	3645162	08-07-2010	मैसर्स ए एम ज्वैल्स, 7/2429, चौकी शेरी, रामपुरा पेट्रोल पम्प के पास, सयैदपुरा सूरत	स्वर्ण तथा स्वर्ण धातुओं के आभूषणों शिल्पकारी शुद्धता एवं मुहरांकन	1417	-	-	1999
10.	3645263	08-07-2010	मैसर्स डी पी ज्वैल्स, 202, दूसरी मंजिल, थर्ड आई, पंचवटी कार्नर, सी जी रोड, अहमदाबाद-380006	स्वर्ण तथा स्वर्ण धातुओं के आभूषणों शिल्पकारी शुद्धता एवं मुहरांकन	1417	-	-	1999
11.	3645364	08-07-2010	मैसर्स प्रेमधारा बिचरेज, मालव क्रासिंग के पास, बी/एस गोमा रिवर ब्रीज, एट तथा पी ओ अलिदरा पंचमहल-389330	पैकेजबंद पेयजल	14543	-	-	2004
12.	3645869	09-07-2010	मैसर्स रवि पम्प इंडस्ट्रीज, 14/15 सर्वोदय एस्टेट, टाटा गोडाउन के पास, चामुंडा ब्रीज के पास, असारवा, अहमदाबाद-380016	ओपलवैल सबमर्सिबल पम्पसैट	14220	-	-	1994
13.	3645667	12-07-2010	मैसर्स इनाक्स इंडिया लिमिटेड, नर्मदा कालोनी के पास, कटोल गाँव, बोर रोड, ताल्लुका कलोल, पंचमहल डिस्ट्रिक्ट-389330	लिकवैड नाइट्रोजन वैसलस	11522	-	-	1986

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
14.	3645768	12-07-2010	मैसर्स जोन डेरी इंडिया प्राइवेट लिमिटेड, ब्लॉक नंबर 593/बी, टैंक इंडस्ट्रियल प्रापर्टी, गाँव वाड़, ताल्लुका पादरा, वडोदरा जम्बूसर रोड, वडोदरा-391 440	पालीथलीन पाईप फार इरीगेशन लेटरल	12786	-	-	1989
15.	3646366	12-07-2010	मैसर्स श्री लक्ष्मी वुड इंडस्ट्रीज, ब्लॉक नंबर 119, उजेडिया रोड, सालटपुर चौकडी के पास, महियाल ताल्लुका तलोड, साबरकांटा-383 215	प्लाईवुड फार जनरल परपस	303	-	-	1989
16.	3646063	13-07-2010	मैसर्स हजीरा प्लेट लिमिटेड, 27, केएम सूरत हजीरा रोड, पी ओ हजीरा, सूरत-394 270	स्टील फार जनरल स्टक्चरल परपस	2062	-	-	2006
17.	3646164	13-07-2010	मैसर्स सिलीकोन सीमेंट प्रा. लिमिटेड, ब्लॉक नंबर 81, प्लॉट नंबर 6 बी-1/2, कारंज, जी आई डी सी, पोस्ट कारंज, ताल्लुका मांडवी सूरत	53 ग्रेड आडिनरी पोर्टलैंड सीमेंट	12269	-	-	1987
18.	3646265	13-07-2010	मैसर्स सुदीप फार्मा लिमिटेड, प्लॉट नंबर सी-1 बी/129/12,13,14,15 जी आई डी सी एस्टेट, नंदेसरी वडोदरा-391 340	मिनरल मिक्सचर फार सपलिमेंटिंग पोर्टरी फीड्स	5672	-	-	1992
19.	3647873	13-07-2010	मैसर्स वाटर पाईट, 196/1, सैंकेंड फेस, वापी पेपर मिल के पास, जी आई डी सी, वापी वलसाद-396 195	पैकेजबंद पेयजल	14543	-	-	2004
20.	3646770	14-07-2010	मैसर्स स्मृति केबल प्रा. लिमिटेड प्लॉट नंबर 2, ब्लॉक नंबर 243, रामदेव एक्सपोर्ट के पास, सांतेज वडसर रोड, सांतेज ता कलोल, गांधी नगर	क्रासलिकड पोलथिलीन इंसुलेटिड पी वी सी शीथड केबल	70981	1	-	1988
21.	3647974	14-07-2010	मैसर्स प्रतिमान इंजिनियरिंग रोडेश्वर महादेव के सामने उंझा मकतुपुर हाइवे एन जी, मक्तापुर-384 170 मेहसाना	पावर थ्रेशर	9020	-	-	2002

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
22.	3647368	15-07-2010	मैसर्स मरकरी केबल, प्लाट नंबर 217, जी आई डी सी 2, डैडीआसन, मेहसाना-384 002	पी वी सी इंसूलेटिड केबल	694	-	-	1990
23.	3648067	15-07-2010	मैसर्स आनंद प्लाई इंडस्ट्रीज, प्लाट नंबर 776/2, गाँव वडसर, कलोल, गांधीनगर-382 721	प्लाईवुड फार जनरल परपस	303	-	-	1989
24.	3648168	15-07-2010	मैसर्स श्री भगवती बिबरेज, डीसा हाइवे, एट वाजेगढ़, थराड, बनसकांटा-385 565	पैकेजबंद पेयजल	14543	-	-	2004
25.	3665269	23-07-2010	मैसर्स हीमा सेल्स कापॉरेशन, प्लाट नंबर 4/ए/10, लक्ष्मी इंडस्ट्रियल एसटेट, पालडी, मेहसाना, विसनगर-380 001	केबल ट्रूकिंग एंड डकटिंग सिस्टम फार इलैक्ट्रिकल इन्स्टालेशन	14927	2	-	2001
26.	3650660	27-07-2010	मैसर्स मोहित सीमेंट इंडस्ट्रीज ब्लाक नंबर 588, एट मोभा रोड, ताल्लुका पादरा, वडोदरा-391 430	53 ग्रेड आडिनरी पोर्टलैंड सीमेंट	12269	-	-	1987
27.	3650761	27-07-2010	मैसर्स भुवनेश्वरी जवैलर्स, शॉप नंबर 5, प्रभुनगर 2, वेड रोड, कट्टरगाम, सूरत-395 004	स्वर्ण तथा स्वर्ण धातुओं के आभूषणों शिल्पकारी शुद्धता एवं मुहरांकन	1417	-	-	1999
28.	3651359	30-07-2010	मैसर्स बसीरभाई जवैलर्स, हाथीखांगजेंडा फालिया, दादमनी दरगाह के पास, वडोदरा-390 006	स्वर्ण तथा स्वर्ण धातुओं के आभूषणों शिल्पकारी शुद्धता एवं मुहरांकन	1417	-	-	1999
29.	3651460	30-07-2010	मैसर्स सन वुड प्रोडक्ट्स, ब्लाक नंबर 126, उजेडिया रोड, एट पी ओ महीयाल, ताल्लुका तालोड-383 215	बुडन फलश डोर शटर (सोलिड कोर टाईप)	2202	1	-	1999

[सं. सी एम डी/13:11]

टी. बी. नारायणन, वैज्ञानिक 'एफ' एवं प्रमुख

New Delhi, the 9th December, 2011

S.O. 3707.—In pursuance of sub-regulation (5) of regulation 4 of the Bureau of Indian Standards (Certification) Regulations, 1988, of the Bureau of Indian Standards hereby notifies the grant of licences particulars of which are given in the following schedule.

SCHEDULE

Sl. No.	Licences No.	Grant Date	Name and Address of the Party	Title of the Standard	IS No.	Part	Sec.	Year
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
1.	3643764	1-7-2010	Ashapuri Gold Ornaments Pvt. Ltd., 1170 Bandhara no khancho M. G. Haveli Road, Manekchowk, Ahmedabad-380 001	Gold and Gold Alloys, Jewellery/Artefacts—Fineness amd Marking	1417	-	-	1999
2.	3644261	5-7-2010	Reliance Gems and Jewels Ltd., Ground Floor & First Floor, Prerna Arbour, Opp. Samudra Annex NR Girish Cold Drink, Crossing C. G. Road, Ahmedabad-380 009	Gold and Gold Alloys, Jewellery/Artefacts—Fineness amd Marking	1417	-	-	1999
3.	3644362	5-7-2010	Reliance Gems and Jewels Ltd., Ground Floor & First Floor, Prerna Arbour, Opp Samudra Annex N R Girish Cold Drink, Crossing C. G. Road, Ahmedabad-380 009	Silver and Silver Alloys, Jewellery/Artefacts—Fineness and Marking	2112	-	-	2003
4.	3644564	5-7-2010	Reliance Gems and Jewels Ltd., Mansi Cross Road, Judges Bungalow Road, Vastrapur, Ahmedabad-380 015	Gold and Gold Alloys, Jewellery/Artefacts—Fineness amd Marking	1417	-	-	1999
5.	3644463	6-7-2010	Reliance Gems and Jewels Ltd., Mansi Cross Road, Judges Bungalow Road, Vastrapur, Ahmedabad-380 015	Silver and Silver Alloys, Jewellery/Artefacts—Fineness and Marking	2112	-	-	2003
6.	3644665	5-7-2010	Parikh Kantilal Dayabhai 5/6/64 Lilavati Shopping Centre, Station Road, NR. Bank of Baroda, Anand-388 001	Gold and Gold Alloys, Jewellery/Artefacts—Fineness and Marking	1417	-	-	1999
7.	3644766	7-7-2010	Meruliya Jewels Shop No. 23, Jolly Arcade, Ghod Dod Road, Surat	Gold and Gold Alloys, Jewellery/Artefacts—Fineness and Marking	1417	-	-	1999

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
8.	3645061	8-7-2010	Arham Jewels 13A SH No. G-15, Regent High Street Mall, Ghod Dod Road Athwa, Surat	Gold and Gold Alloys, Jewellery/Artefacts— Fineness and Marking	1417	-	-	1999
9.	3645162	8-7-2010	A. M. Jewellers 7/2429, Choky Sheri, Near Rampura Petrol Pump, Saiyedpura, Surat	Gold and Gold Alloys, Jewellery/Artefacts— Fineness and Marking	1417	-	-	1999
10.	3645263	8-7-2010	D. P. Jewels 202, 2nd Floor, 3rd EYE, Panchvati Corner C. G. Road, Ahmedabad-380006	Gold and Gold Alloys, Jewellery/Artefacts— Fineness and Marking	1417	-	-	1999
11.	3645364	8-7-2010	Premdhara Beverages Near Malav Crossing, B/s. Goma River Bridge, At & PO Alindra, Panchmahal-389330	Packaged Drinking Water	14543	-	-	2004
12.	3645869	9-7-2010	Ravi Pump Industries 14/15 Sarvoday Estate, Near Tata Godown, Near Chamunda Bridge, Asarwa Ahmedabad 380016	Openwell Submersible Pumpsets	14220	-	-	1994
13.	3645667	12-7-2010	Inox India Ltd. NR. Narmada Colony, Vill. Katol Boru Road, Tal: Kalol, Dist: Panchmahal-389330	Liquid Nitrogen Vessels	11552	-	-	1986
14.	3645768	12-7-2010	John Deere India Pvt. Ltd. Block No. 593/B, Tank Industrial Property Village Vadu, Taluka Padra Vadodara Jambusar Road, Vadodara-391440	Irrigation Equipment - Polyethylene Pipes for Irrigation Laterals	12786	-	-	1989
15.	3646366	12-7-2010	Shree Laxmi Wood Industries Block No. 119, Ujediya Road, Near Salatpur Chowkdi, Mahiyal, Tal Talod, Sabarkantha-383215	Plywood for General Purpose	303	-	-	1989
16.	3646063	13-7-2010	Hazira Plate Ltd. 27, KM Surat-Hazira Road, P.O. Hazira, Surat-394270	Steel for General Structural Purposes	2062	-	-	2006
17.	3646164	13-7-2010	Silicon Cement Pvt.Ltd.. Block No. 81, Plot No. 6B- 1/2, Karanj G.I.D.C., Post Karanj, Taluka- Mandvi, Surat	53 grade ordinary Portland Cement	12269	-	-	1987

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
18.	3646265	13-7-2010	Sudeep Pharma Ltd.. Plot No. C-1B/129/12, 13,14,15 GIDC Estate, Nandesari Vadodara-391340	Mineral Mixtures for Supplementing Poultry Feed	5672	-	-	1992
19.	3647873	13-7-2010	Water Point 196/1,2nd Phase, Near Vapi Paper Mill, GIDC, Vapi Valsad 396195	Packaged Drinking Water	14543	-	-	2004
20.	3646770	14-7-2010	Smruti Cables Pvt. Ltd. Plot No. 2, Block No. 243, Near Ramdev Export, Santej Vadsar Road, Santej TA Kalol, Gandhinagar	Crosslinked polyethy- lene insulated PVC sheathed cables	7098	1	-	1988
21.	3647974	14-7-2010	Pratiman Engineering Opp Rodeshwar Mahadev, Unjha Maktapur Highway, (N. G.) Maktapur-384170 Mehsana	Power Threshers	9020	-	-	2002
22.	3647368	15-7-2010	Mercury Cables Plot No.217, G.I.D.C.-2 Dediyasan, Mehsana- 384002	PVC Insulated Cables	694	-	-	1990
23.	3648067	15-7-2010	Ananad Ply Industries Plot No. 776/2 Village Vadsar, Kalol Gandhinagar 382721	Plywood for general purposes	303	-	-	1989
24.	3648168	15-7-2010	Shree Bhagwati Beverages Deesa Highway AT Vajegadh Tharad Banaskantha- 385565	Packaged Drinking Water	14543	-	-	2004
25.	3665269	23-7-2010	M/s Hima Sales Corporation Plot No. 4/A/10, Laxmi Industrial Estate, Paldi Mahesana, Visnagar- 380001	Cable trunking and ducting systems for electrical installations	14927	2	-	2001
26.	3650660	27-7-2010	Mohit Cement Industries Block No. 588, AT Mobha Road, Taluka Padra, Vadodara -391430	53 grade ordinary Portland Cement	12269	-	-	1987
27.	3650761	27-7-2010	Bhuvneshwari Jewellers Shop No. 5, Prabhunagar 2, Ved Road, Katargam Surat- 395004	Gold and Gold Alloys, Jewellery/Artefacts- Fineness and Marking	1417	-	-	1999
28.	3651359	30-7-2010	Basirbhai Jewellers Hathikhanagenda Falia NR Dadumani Dargai, Vadodara 390006	Gold and Gold Alloys, Jewellery/Artefacts- Fineness and Marking	1417	-	-	1999

29.	3651460	30-7-2010	Sun Wood Products Block No. 126, Ujedia Road, At/PO Mahiyal, Taluka Talod, Sabarkantha- 383215	Wooden flush door shutters (solid core type)	2202 1 - 1989
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[No. CMD/13:11]

T. B. NARAYANAN, Scientist 'F' & Head

नई दिल्ली, 9 दिसम्बर, 2011

का.आ. 3708.—भारतीय मानक ब्यूरो (प्रमाणन) विनियम, 1988 के विनियम 5 के उपविनियम (6) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि निम्न विवरण वाले लाइसेंसों को उनके आगे दर्शायी गई तारीख से रद्द/स्थगित कर दिया गया है :—

अनुसूची

क्र. सं.	लाइसेंस संख्या सीएम/एल-	लाइसेंसधारी का नाम व पता	लाइसेंस के अन्तर्गत वस्तु/प्रक्रम सम्बद्ध भारतीय मानक का शीर्षक	रद्द करने की तिथि
(1)	(2)	(3)	(4)	(5)
1.	3625762	मैसर्स रिलायंस रिटेल लिमिटेड रिलायंस ज्वैलस, स्वामीनारायण मंदिर के पास, मानसी क्रास रोड, जजिस बंगला रोड, वस्त्रापुर, अहमदाबाद- 380015	स्वर्ण तथा स्वर्ण धातुओं के आभूषणों शिल्पकारी शुद्धता एवं मुहरांकन आई एस 1417: 1999	09-07-2010
2.	3631050	मैसर्स रिलायंस रिटेल लिमिटेड रिलायंस ज्वैलस, स्वामीनारायण मंदिर के पास, मानसी क्रास रोड, जजिस बंगला रोड, वस्त्रापुर, अहमदाबाद- 380015	चाँदी तथा चाँदी धातुओं के आभूषणों शिल्पकारी शुद्धता एवं मुहरांकन आई एस 2112: 2003	09-07-2010
3.	7866909	मैसर्स एल एस बिजनेस इंडस्ट्रीज, 39 महागुजरात इंडस्ट्रियल एस्टेट, रिलायंस पेट्रोल पम्प के पास, गॉच मारिया, चांगोदर, ता. सानंद अहमदाबाद	पैकेजबंद पेयजल आई एस 14543: 2004	02-07-2010
4.	7954397	मैसर्स रिलायंस रिटेल लिमिटेड ग्राउंड फ्लोर तथा पहला फ्लोर प्रेरणा आरबार, समुद्रा अनैक्स के सामने, गिरिश कोल्ड ड्रांक क्रासिंग सी जी रोड अहमदाबाद- 380009	चाँदी तथा चाँदी धातुओं के आभूषणों शिल्पकारी शुद्धता एवं मुहरांकन आई एस 2112 : 2003	21-07-2010
5.	7995415	मैसर्स शिवम टैक्सटाईल तथा प्रफिंग इंडस्ट्रीज, 4701, जी आई डी सी (प्लास्टिक जोन) सारिगाम, ता. उमरगाँव, डिस्ट्रिक्ट वलसाद, अहमदाबाद -396155	कामन फुफड कैनक्स/डक तथा पोलिनसआई आई एस 2089 : 1977	02-07-2010

[सं. सी एम डी/13:13]

टी. बी. नारायणन, वैज्ञानिक 'एफ' एवं प्रमुख

New Delhi, the 9th December, 2011

S.O. 3708.—In pursuance of sub-regulation (6) of the Regulation 5 of the Bureau of Indian Standards (Certification) Regulations, 1988, the Bureau of Indian Standards, hereby notifies that the licences particulars of which are given below have been cancelled with effect from the date indicated against each :—

SCHEDULE

Sl. No.	Licence No. CML-	Name and Address of the Licensee	Article/Process with relevant Indian Standards covered by the licence cancelled	Date of Cancellation
(1)	(2)	(3)	(4)	(5)
1.	3625762	M/s. Reliance Retail Ltd. Reliance Jewels NR Swaminarayan Temple, Mansi Cross Road, Judges Bungalow Road Vastrapur, Ahmedabad- 380015	Gold and Gold Alloys. Jewellery/Artefacts- Fineness and Marking IS 1417:1999	09-07-2010
2.	3631050	M/s. Reliance Retail Ltd. Reliance Jewels NR Swaminarayan Temple, Mansi Cross Road, Judges Bungalow Road Vastrapur, Ahmedabad- 380015	Silver and Silver Alloys, Jewellery/Artefacts- Fineness and Marking IS 2112:2003	09-07-2010
3.	7866909	M/s. L. S. Beverages Industries 39 Maha Gujarat Industrial Estate NR Reliance Petrol, Pump, Village Moriya Changodar Tal Sanand: Ahmedabad	Packaged Drinking Water IS 14543: 2004	02-07-2010
4.	7954397	M/s. Reliance Retail Ltd. Ground Floor & First Floor, Prerna Arbour, Opp Samudra Annex. Near Girish Cold Drink, Crossing C. G. Road Ahmedabad- 380009	Silver and Silver Alloys, Jewellery/Artefacts- Fineness and Marking IS 2112: 2003	21-07-2010
5.	7995415	M/s. Shivam Textile & Proofing Industries, 4701, GIDC (Platic Zone) Sarigam, TA-Umargaon, Distt-Valsad, Sarigam, Distt: Ahmedabad-396155	Common proofed canvas/ duck and paulins IS 2089:1977	02-07-2010

[No. CMD/13:13]

T. B. NARAYANAN, Scientist 'F' & Head

नई दिल्ली, 9 दिसम्बर, 2011

का.आ. 3709.—भारतीय मानक ब्यूरो (प्रमाणन) विनियम, 1988 के नियम 4 के उप-नियम (5) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिन लाइसेंसों के विवरण नीचे अनुसूची में दिए गए हैं, वे स्वीकृत कर दिए गए हैं :—

अनुसूची

क्रम सं.	लाइसेंस संख्या	स्वीकृति करने की तिथि/वर्ष/माह	लाइसेंसधारी का नाम एवं पता	भारतीय मानक का शीर्षक	भा मा सं./ भाग/अनु वर्ष
(1)	(2)	(3)	(4)	(5)	(6) (7) (8) (9)
1.	3651864	02-08-2010	मैसर्स लायन सीमेंट, 55, रानासन, जी आई डी सी, वीजापुर, मेहसाना, गुजरात	53 ग्रेड आडिनरी पोर्टलैंड सीमेंट	12269 - - 1987
2.	3652159	04-08-2010	मैसर्स ओम इंडस्ट्रीज, कालेज वनसडा रोड, एट तथा पोस्ट खुंड, चिखली, नवसारी, गुजरात	53 ग्रेड आडिनरी पोर्टलैंड सीमेंट	12269 - - 1987
3.	3652260	04-08-2010	मैसर्स देवराज इंजिनियर्स, प्लाट नंबर 1463, 1464, कलोल, खतराज रोड, मोती बोयन, गांधीनगर	लैंडिंग वालव	5290 - -1993
4.	3652765	06-08-2010	मैसर्स आरडैक्स एनडुरा (इंडिया) प्रा. लिमिटेड, प्लाट नंबर 463-468, जी आई डी सी मंजूसर, सावली, ता वडोदरा-391175	एडहैसिवस फार यूस विद सिरामिक्स टाईलस तथा मोसाइक्स	15477 - - 2004
5.	3654668	12-08-2010	मैसर्स रिलायंस रिटेल लिमिटेड, रिलायंस ज्वैलस, अपर ग्राउंड फ्लोर, इसकान मार्ट, राजपथ क्लब, एस जी रोड, अहमदाबाद	चाँदी तथा चाँदी धातुओं के आभूषणों शिल्पकारी शुद्धता एवं मुहरांकन	2112 - - 2003
6.	3654769	12-08-2010	मैसर्स ए एन ज्वैलर्स 9/1984 लिमडा चौक, कबूतरखाना, सूरत-395003	स्वर्ण तथा स्वर्ण धातुओं के आभूषणों शिल्पकारी शुद्धता एवं मुहरांकन	1417 - - 1999
7.	3654870	12-08-2010	मैसर्स राजदीप ज्वैलर्स 2, 3, 4, अपर ग्राउंड सिटी शॉपिंग सेंटर, डीसा, बनसकांटा, गुजरात-385535	स्वर्ण तथा स्वर्ण धातुओं के आभूषणों शिल्पकारी शुद्धता एवं मुहरांकन	1417 - - 1999
8.	3654971	12-08-2010	मैसर्स रिलायंस रिटेल लिमिटेड, रिलायंस ज्वैलस, अपर ग्राउंड फ्लोर, इसकान मार्ट, राजपथ क्लब, एस जी रोड, अहमदाबाद	स्वर्ण तथा स्वर्ण धातुओं के आभूषणों शिल्पकारी शुद्धता एवं मुहरांकन	1417 - - 1999

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
9.	3655771	17-08-2010	मैसर्स ब्यूटीफुल ज्वैल, 7/2848, फोरथ फ्लोर, सईदपुरा, मोती खाडिया शेरी, सूरत-395003	स्वर्ण तथा स्वर्ण धातुओं के आभूषणों शिल्पकारी शुद्धता एवं मुहरांकन	1417 -	-	1999	
10.	3655872	17-08-2010	मैसर्स बापूलाल अमेठाभाई चोकशी, मांडवी बस स्टाप के पीछे, एम जी रोड, वडोदरा-390001	स्वर्ण तथा स्वर्ण धातुओं के आभूषणों शिल्पकारी शुद्धता एवं मुहरांकन	1417 -	-	1999	
11.	3655973	17-08-2010	मैसर्स परिन ओरना, जी एफ 1,24 कैरेट काम्पलैक्स, लुहार पोल के सामने, एम जी हवेली रोड, मानेक चौक, अहमदाबाद-380001	स्वर्ण तथा स्वर्ण धातुओं के आभूषणों शिल्पकारी शुद्धता एवं मुहरांकन	1417 -	-	1999	
12.	3656167	18-08-2010	मैसर्स यूनियन क्वालिटी प्लास्टिक्स लिमिटेड, 204, जीआई डी सी इंडस्ट्रियल एस्टेट, अंबर गाँव, वलसाद, गुजरात-396171	टैक्सटाईल तारपोलिन मेड फ्राम हाई डैनसिटी पालथिलीन वोवन फैबरिक	7903 -	-	2005	
13.	3656268	18-08-2010	मैसर्स गणेश पम्प एंड इंजिनियरिंग, 68, महादेव एस्टेट, पार्ट II, रामोल पुलिस स्टेशन के पीछे, सी टी एम, अहमदाबाद-380026	सबमर्सिबल पम्पसैट	8034 -	-	2002	
14.	3656773	19-08-2010	मैसर्स पुरती पाईप इंडस्ट्रीज, सर्वे नंबर 46/पी, पोस्ट ढोकागलिया, ओरसांग नदी के पास, वडोदरा बोडेली, गुजरात	प्री कास्ट कांक्रीट पाईप	458 -	-	2003	
15.	3656874	19-08-2010	मैसर्स जय केबल इंडस्ट्रीज, प्लॉट नंबर 80, त्रिभुवन इंडस्ट्रियल एस्टेट, रोड नंबर 11 के सामने, काठवाडा, जी आई डी सी, काठवाडा, अहमदाबाद-382430	क्रास लिंकड पालथिलीन इंसुलेटिड पी वी सी शीथाड केबल	7098 -	1	-	1988
16.	3657371	20-08-2010	मैसर्स ओरबिट इनफ्रास्ट्रक्चर इंडस्ट्रीज, एट तथा पी ओ धर्मपुरी, ता दाबहोई, वडोदरा-391110	प्री कास्ट कांक्रीट पाईप	458 -	-	2003	
17.	3659476	26-08-2010	मैसर्स टी वी जावेरी राजरत्ना, काम्पलैक्स, सत्यम काम्पलैक्स के सामने, स्टेशन रोड, मणीनगर, अहमदाबाद-380008	स्वर्ण तथा स्वर्ण धातुओं के आभूषणों शिल्पकारी शुद्धता एवं मुहरांकन	1417 -	-	1999	

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
18.	3659577	26-08-2010	मैसर्स एन डी जावेरी, 843, वडवाला नगर काम्पलैक्स, सोनल क्रास रोड के पास, गुरुकुल रोड, अहमदाबाद-380052	स्वर्ण तथा स्वर्ण धातुओं के आभूषणों शिल्पकारी शुद्धता एवं मुहरांकन	1417 -	-	1999	
19.	3660057	27-08-2010	मैसर्स नील बिजरेज, 69, मोटेरा गाम, वाटर टैंक के पास, देव मंगले सोसाइटी के सामने, साबरमती, अहमदाबाद	पैकेजबंद पेयजल	14543 -	-	2004	
20.	3660562	27-08-2010	मैसर्स ध्रुव एंटरप्राइस, 301, 302, रणछोडजी पार्क सोसाइटी, कांतेश्वर मंदिर के पास, कटरगाम, सूरत	पैकेजबंद पेयजल	14543 -	-	2004	

[सं. सी एम डी/13: 11]

टी. बी. नारायणन, वैज्ञानिक 'एफ' एवं प्रमुख

New Delhi, the 9th December, 2011

S.O. 3709.—In pursuance of sub-regulation (5) of Regulation 4 of the Bureau of Indian Standards (Certification) Regulations, 1988, of the Bureau of Indian Standards, hereby notifies the grant of licences particulars of which are given in the following schedule :

SCHEDULE

Sl. No.	Licences No.	Grant Date	Name and Address of the Party	Title of the Standard	IS No. Part Sec. Year
(1)	(2)	(3)	(4)	(5)	(6) (7) (8) (9)
1.	3651864	2-8-2010	M/s. Lion Cement, 55, Ranasan, GIDC, Vijapur, Mahesana, Ranasan, Gujarat	53 grade ordinary portland cement	12269 - - 1987
2.	3652159	4-8-2010	M/s. Om Industries, Collage Vandsa Road, At and Post Khundh, Chikhli, Navsari, Chikhli	53 grade ordinary portland cement	12269 - - 1987
3.	3652260	4-8-2010	M/s. Devraj Engineers, Plot No. 1463-1464, Kalol Khatraj Road, Moti Bhoyan, Gandhinagar	Landing valves	5290 - - 1993
4.	3652765	6-8-2010	M/s. Ardex Endura (India) Pvt. Ltd., Plot No. 463- 468, GIDC Manjusa, Savitaluka, Vadodara-391175	Adhesives for use with ceramic tiles and mosaics	15477 - - 2004

(1)	(2)	(3)	(4)	(5)	(6) (7) (8) (9)
5.	3654668	12-8-2010	M/s. Reliance Retail Limited, Reliance Jewels, Upper ground Floor, Iscon Mart, Rajpath Club S. G. Road, Ahmedabad	Silver and Silver Alloys, Jewellery Artefacts- Fineness and Marking	2112 - - 2003
6	3654769	12-8-2010	M/s. A. N. Jewellers, 9/1984, Limda Chowk, Kabutarkhana, Surat-395003	Gold and Gold Alloys, Jewellery Artefacts- Fineness and Marking	1417 - - 1999
7	3654870	12-8-2010	M/s. Rajdeep Jewellers, 2, 3, 4 Upper Grond City, Shopping Centre, Deesa. Banaskantha-385535	Gold and Gold Alloys, Jewellery Artefacts- Fineness and Marking	1417 - - 1999
8	3654971	12-8-2010	M/s. Reliance Retail Limited, Reliance Jewels, Upper Ground Floor, Iscon Mart, Rajpath Club S. G. Road, Ahmedabad	Gold and Gold Alloys, Jewellery Artefacts- Fineness and Marking	1417 - - 1999
9	3655771	17-8-2010	M/s. Beautiful Jewels, 7/2848, Fourth Floor, Saiyadpura, Moti Kadiya Sheri, Surat-395003	Gold and Gold Alloys, Jewellery Artefacts- Fineness and Marking	1417 - - 1999
10	3655872	17-8-2010	M/s. Bapulal Amthabhai Chokshi behind Mandvi Bus Stop, M. G. Road, Vadodara-390001	Gold and Gold Alloys, Jewellery Artefacts- Fineness and Marking	1417 - - 1999
11.	3655973	17-8-2010	M/s. Parin Orna, GF. 1 24 Carat Complex, Opp. Luhars Pole, M. G. Haveli Road, Manak Chowk, Ahmedabad-380001	Gold and Gold Alloys, Jewellery Artefacts- Fineness and Marking	1417 - - 1999
12.	3656167	18-8-2010	M/s. Union Quality Plastics Limited, 204, GIDC, Industrial Estate, Umbergaon, Valsad Gujarat-396171	Textiles-tarpaulins made from high density polyethylene woven fabric	7903 - - 2005
13.	3656268	18-8-2010	M/s. Ganesh Pumps & Engineering, 68, Mahadev Estate, Part II, B/H Ramol Police Station, C.T.M. Ahmedabad-380026	Submersible pumpsets	8034 - - 2002
14.	3656773	19-8-2010	M/s. Pushti Pipe Industries, Survey No. 46/P Post Dhokaliya, Near Orsang River, Vadodara, Bodeli-391135	Precast concrete pipes	458 - - 2003

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
15	365371	19-8-2010	M/s. Jay Cable Industries, Plot No. 80, Tribhuvan Ind. Estate, Opp. Road No. 11, Kathwade GIDC, Ahmedabad-382430	Crosslinked polyethylene insulated pvc sheathed cables	7098 -	1	-	1988
16	365774	20-8-2010	M/s. Orbit Infrastructure Industries, At & PO Dharmपुरi, Tal : Dabhoi Vadodara-391110.	Precast concrete pipes	458 -	-	-	2003
17	365816	25-8-2010	M/s. T. V. Zaveri, Rajratna Complex, Opp. Satyam Complex, Station Road, Maninagar, Ahmedabad-380008	Gold and Gold Alloys, Jewellery Artefacts- Fineness and Marking	1417 -	-	-	1999
18	365957	26-8-2010	M/s. N. D. Zaveri, 843, Vadwala Nagar Complex, Near Sonal Cross Road, Gurukul Road, Ahmedabad-380052	Gold and Gold Alloys, Jewellery Artefacts- Fineness and Marking	1417 -	-	-	1999
19	366457	27-8-2010	M/s. Neal Beverages, 69, Motera Gam, Near Water Tank, Opp. Dev Mangalay Society, Sabarmati, Ahmedabad	Packaged Drinking Water	14543 -	-	-	2004
20	366762	27-8-2010	M/s. Dhruv Enterprise, 301, 302 Ranchodji Park Society, Near Kantareswar Temple, Katargam, Surat	Packaged Drinking Water	14543 -	-	-	2004

[No. CMD/13 : 11]

T. B. NARAYANAN, Scientist 'F' & Head

नई दिल्ली, 9 दिसम्बर, 2011

आ.आ. 2713, — भारतीय मानक ब्यूरो (प्रमाणन) विनियमन, 1988 के विनियम 5 के उप-विनियम (6) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिदूचित करता है कि निम्न विवरण वाले लाइसेंसों को उनके आगे दर्शायी गई तारीख से रद्द/स्थगित कर दिया गया है :-

अनुसूची

क्र. सं.	लाइसेंस संख्या सी/एम/एल -	लाइसेंसधारी का नाम व पता	लाइसेंस के अन्तर्गत वस्तु/प्रक्रम सम्बद्ध भारतीय मानक का शीर्षक	रद्द करने की तिथि
(1)	(2)	(3)	(4)	(5)
1	7954297	मैसर्स रिलायंस रिटेल लिमिटेड, प्राउड प्लोर एंड पहली मंजिल, प्रेरणा आरवार, समुद्रा अनैक्स के सामने, गिरशि कोल्ड ड्रिंक के	स्वर्ण तथा स्वर्ण धातुओं के आभूषणों शिल्पकारी शुद्धता एवं मुहरांकन आई एस 1417 : 1999	02-08-2010

(1)	(2)	(3)	(4)	(5)
		पास, क्रासिंग सी जी रोड अहमदाबाद- 380009		
2.	7284883	मैसर्स हेम क्रासोटॉइल्स प्राइवेट लिमिटेड, ए/1/311, सारिगाम इंडस्ट्रियल एस्टेट, अंबर्गाम, सारिगाम, डिस्ट्रिक्ट- वलसाद 396135	एसबैसटोस सिमेंट प्रेशर पाइप आई एस 1592:2003	9-08-2010

[सं. सी एम डी/13:13]

टी. बी. नारायणन, वैज्ञानिक 'एफ' तथा प्रमुख

New Delhi, the 9th December, 2011

S.O. 3710.—In pursuance of sub-regulation (6) of the Regulation 5 of the Bureau of Indian Standards (Certification) Regulations, 1988, of the Bureau of Indian Standards, hereby notifies that the licences particulars of which are given below have been cancelled with effect from the date indicated against each :—

SCHEDULE

Sl. No.	Licences No. CM/L-	Name and Address of the Licensee	Article/Process with relevant Indian Standards covered by the licence cancelled	Date of Cancellation
(1)	(2)	(3)	(4)	(5)
1.	7954401	M/s. Reliance Retail Ltd. Ground Floor & First Floor, Prerna Arbour, Opp. Samudra Annex, Near Girish Cold Drink, Crossing C. G. Road Ahmedabad 380009	Gold and Gold Alloys, Jewellery/Artefacts- Fineness and Marking IS 1417:1999	2-08-2010
2.	7284883	M/s. Hem Crysotiles Private Limited, A/1/311, Sarigam Industrial Estate, Umbergam, Sarigam, Distt: Valsad 396135	Asbestos Cement Pressure Pipes IS 1592:2003	9-08-2010

[No. CMD/13:13]

T. B. NARAYANAN, Scientist 'F' & Head

नई दिल्ली, 9 दिसम्बर, 2011

का.आ. 3711.—भारतीय मानक ब्यूरो (प्रमाणन) विनियम, 1988 के विनियम 4 के उपविनियम (5) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिन लाइसेंसों के विवरण नीचे अनुसूची में दिए गए हैं, वे स्वीकृत कर दिए गए हैं :—

अनुसूची

क्रम सं.	लाइसेंस संख्या	स्वीकृति करने की तिथि/वर्ष/माह	लाइसेंसधारी का नाम एवं पता	भारतीय मानक का शीर्षक	भा. मा. सं./ भाग/अनु. सं.	(6)	(7)	(8)	(9)
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	
1.	3664267	01-09-2010	मैसर्स बाडिया वाटर, सर्वे नंबर 11, प्लॉट नंबर 50, ग्रउंड फ्लोर, पटेल इंडस्ट्रियल सोसाइटी, घायल सब स्टेशन के पास में, वैड रोड सूरत 395004	पैकेजबंद पेयजल	14543 -	-	2004		

(1)	(2)	(3)	(4)	(5)	(6) (7) (8) (9)
2.	3662061	3-09-2010	मैसर्स हर्ष एंटरप्राइस, आई-15/6, जी आई डी सी एस्टेट, कलोल, गांधीनगर-382725	पैकेजबंद पेयजल	14543 - - 2004
3.	3661968	6-09-2010	मैसर्स मार्शल एग्रो, 251/ए, जी वी एम एम, वसाहत, रिंग रोड के सामने, ओढव, अहमदाबाद	हैंड रोटी डस्टर बैली मार्जिटिड टाईप	5135 -1 - 1994
4.	3661867	7-09-2010	मैसर्स आनंद प्लाई, प्लॉट नंबर 776/2, गाँव वडसर, कलोल, गांधीनगर-382721	बुडन फलश डोर शटर (सोलैड कोर टाईप)	2202 - 1 - 1999
5.	3662162	8-09-2010	मैसर्स श्री गणेश इंजिनियरिंग कम्पनी, सी- 1/275, फेस-1, जी आई डी सी नरोडा, अहमदाबाद-382330	मोटर्स फार सबमर्सिबल पम्पसेट	9283 - - 1995
6.	3662263	8-09-2010	मैसर्स श्री लक्ष्मी वुड इंडस्ट्रीज, ब्लाक नंबर 119, उर्जेडिया रोड, सलतपुर चौकड़ी के पास, महियाल ताल्लुका तलोड, साबरकांटा-383215	वीनरड डैकोरेटिव प्लाईवुड	1328 - - 1996
7.	3666574	22-09-2010	मैसर्स क्रांति प्लास्टिक, 25, जय लक्ष्मी इंडस्ट्रियल एस्टेट, सी एम सी के पास, पेट्रोल पम्प के पीछे, अहमदाबाद ओढव-382415	फूट वालव, रिफ्लक्स वालव या नान गिर्टन वालव तथा बोर वालव	10805 - - 1986
8.	3665370	22-09-2010	मैसर्स बी आर डिजाईन, शॉप नंबर 2-7, सामोर सरन, जैन मंदिर के सामने, लाल बंगला अथवा लाईन्स, सूरत-7	स्वर्ण तथा स्वर्ण धातुओं के आभूषणों शिल्पकारी शुद्धता एवं मुहरांकन	1417 - - 1999
9.	3665774	24-09-2010	मैसर्स वाटरमैन इंडस्ट्रीज प्रा. लिमिटेड, प्लॉट नंबर 407, न्यू ईनट्रास फॉर्मा, गाँव मोरथिया, पोस्ट सानंद, सरखेज बावला हाइवे, अहमदाबाद-382213	मोटर्स फार सबमर्सिबल पम्पसेट	9283 - - 1995
10.	3666069	27-09-2010	मैसर्स कृष्णा पोर्टलैंड प्रा. लिमिटेड, ब्लाक नंबर 506, सावली हाइवे, टुंडन, ता. सावली वडोदरा	53 ग्रेड आडिनरी पोर्टलैंड सीमेंट	12269 - - 1987

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
11.	3666170	27-09-2010	मैसर्स रैमंड सिमेंट इंडस्ट्रीज, ब्लाक नंबर 49, प्लॉट नंबर जे-2 एस नंबर 57-65, पिपोदरा इंडस्ट्रियल एरिया, पिपोदरा, सूत-394110	53 ग्रेड आडिनरी पोर्टलैंड सीमेंट	12269	-	-	1987
12.	3666675	29-09-2010	मैसर्स ड्राप वाटर पर्योरिफिकेशन, 7, दिव्यानाड इंडस्ट्रियल सोसाइटी, परमानंद बस स्टाप के पास, चोकसी दयाईंग के पीछे, उधना मगडला रोड, सूत-395017	पैकेजबंद पेयजल	14543	-	-	2004
13.	3666776	29-09-2010	मैसर्स सरजू इम्पैक्स लिमिटेड, प्लॉट नंबर जेड/13, दाहेज सेज लिमिटेड, सर्वे नंबर 596/पी, 602/ पी, 604/पी, दाहेज अंबेठा वागरा भारूच-392130	रिफिलेबल सोमलैस स्टील गैस सिलिंडर	7285	-	2	2004
14.	3668376	29-09-2010	मैसर्स जी एस पी क्राप साईंस प्रा. लिमिटेड, यूनिट 2, 551, फेस 2, जी आई डी सी एस्टेट, काथवाडा, अहमदाबाद-382430	थायरम वाटर डिसपरसिबल पाउडर	4766	-	-	1982
15.	3668982	29-09-2010	मैसर्स बायर क्रापसाईंस लिमिटेड, प्लॉट नंबर 66/1 से 75/2, जी आई डी सी एस्टेट, हिमतनगर, साबरकांठा-383001	पैस्टिसाइड डैलटामैथरिन	13457	-	-	1992

[सं. सी एम डी/13:11]

टी. बी. नारायणन, वैज्ञानिक 'एफ' एवं प्रमुख

New Delhi, the 9th December, 2011

S.O. 3711.—In pursuance of sub-regulation (5) of the regulation 4 of the Bureau of Indian Standards (Certification) Regulations, 1988, of the Bureau of Indian Standards, hereby notifies the grant of licences particulars of which are given in the following schedule :

SCHEDULE

Sl. No.	Licences No.	Grant Date	Name and Address of the Party	Title of the Standard	IS No. Part Sec. Year			
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
1.	3664267	1-09-2010	M/s. Badiya Water Survey No. 11 Plot No. 50, Ground Floor, Patel Industrial Society, Beside Ghayal Sub-Station, Ved Road, Surat-395004	Packaged Drinking Water	14543	-	-	2004

(1)	(2)	(3)	(4)	(5)	(6) (7) (8) (9)
2.	3662061	03-09-2010	M/s. Harsh Enterprise I-15/6 G.I.D.C. Estate Kalol Gandhinagar-382725	Packaged Drinking Water	14543 - -2004
3.	3661968	06-09-2010	M/s. Marshal Agro 251/A.G.V.M.M. Vasahat, Opp. Ring Road Odhav, Ahmedabad	Hand-rotary duster, belly-mounted type	5135 - 1 - 1994
4.	3661867	07-09-2010	M/s. Anand Ply Plot No. 776/2, Village Vadsar, Kalol, Gandhinagar-382721	Wooden flush door shutters (solid core type)	2202 - 1 - 1999
5.	3662162	08-09-2010	M/s. Shree Ganesh Engineering Co. C-1/275 Phase-I, G.I.D.C. Naroda Ahmedabad-382330	Motors for Submersible Pumpets	9283 - - 1995
6.	3662263	08-09-2010	M/s. Shree Laxmi Wood Industries, Block No. 119, Ujediya Road, Near Salatpurchowkdi, Mahiyal Tal. Talod, Sabarkantha-383215	veneered decorative plywood	1328 - -1996
7.	3666574	22-09-2010	M/s. Kranti Plastics 25, Jay Laxmi Industrial Estate, Near CMC, B/H Petrol Pump, Ahmedabad Odhav-382415	Foot valves, reflux valves or non-return valves and bore valves	10805 - - 1986
8.	3665370	22-09-2010	M/s. B. R. Designs Shop No. 2-7, Samor Saran, Opp Jain Temple, Lal Bunglow Athwalines Surat-7	Gold and Gold Alloys, Jewellery/Artefacts- Fineness amd Marking	1417 - - 1999
9.	3665774	24-09-2010	M/s. Waterman Industries Pvt. Ltd Plot No. 407, New Intas Pharma Vill- Moraiya, Post Sanand Sarkhej Bavla Highway Ahmedabad-382213	Motors for Submersible Pumpets	9283 - - 1995
10.	3666069	27-9-2010	M/s. Krishna Portland Pvt. Ltd. Plot No. 506, Savali Highway Tundav, Tal: Savali Vadodara	53 grade ordinary Portland Cement	12269 - - 1987
11.	3666170	27-9-2010	M/s. Raymond Cement Industries, Block No. 49, Plot No. J-2 S. No. 57-65, Pipodara Industrial Area, Pipodara, Surat-394110	53 grade ordinary Portland Cement	12269 - - 1987

(1)	(2)	(3)	(4)	(5)	(6) (7) (8) (9)
12.	3666675	29-09-2010	M/s. Drop Water Purification 7, Divyanad Ind. Society, Near Parmanand Bus Stop, B/H Choksi Dyaing, Udhana-Magdalla Road, Surat-395017	Packaged Drinking Water	14543.- -2004
13.	3666776	29-09-2010	M/s. Sarju Impes Limited Plot No. Z/13, Dahez Sez Ltd. Survey No.596/P, 602/P, 604/P Dahez- Ambhetha Vagra, Bharuch-392130	Refillable seamles steel gas cylinders	7285 - 2 -2004
14.	3668376	29-09-2010	M/s GSP Crop Science Pvt. Ltd., Unit-2, 551, Phase 2, GIDC, Estate, Kathwada, Ahmedabad-382430	Thiram water dispersible Powders	4766 - -1982
15.	3668982	29-09-2010	M/s. Bayer Cropscience Plot No. 66/1 to 75/2, GIDC Estate, Himatnagar, Sabarkantha-383001	Pesticide - deltamethrin	13457 - -1992

[No. CMD/13:11]

T. B. NARAYANAN, Scientist 'F' & Head

नई दिल्ली, 9 दिसम्बर, 2011

का.आ. 3712.—भारतीय मानक ब्यूरो (प्रमाणन) विनियम, 1988 के विनियम 5 के उप-विनियम (6) के अनुसरण में भारतीय मानक ब्यूरो एतद्द्वारा अधिसूचित करता है कि निम्न विवरण वाले लाइसेंसों को उनके आगे दर्शायी गई तारीख से रद्द/स्थगित कर दिया गया है :-

अनुसूची

क्र. सं.	लाइसेंस संख्या सी/एम/एल-	लाइसेंसधारी का नाम व पता	लाइसेंस के अन्तर्गत वस्तु/प्रक्रम सम्बद्ध भारतीय मानक का शीर्षक	रद्द करने की तिथि
(1)	(2)	(3)	(4)	(5)
1.	3644261	मैसर्स रिलायंस जैमस एंड ज्वैलस लिमिटेड, ग्राउंड फ्लोर तथा पहली मंजिल प्रेरणा आरबर, समुद्रा अनैक्स सामने, गिरिश कोल्ड ड्रिंक क्रासिंग के पास, सी जी रोड, अहमदाबाद-380009	स्वर्ण तथा स्वर्ण धातुओं के आभूषणों शिल्पकारी शुद्धता एवं मुहरांकन आई एस 1417:1999	06-09-2010
2.	3644362	मैसर्स रिलायंस जैमस एंड ज्वैलस लिमिटेड, ग्राउंड फ्लोर तथा पहली मंजिल, प्रेरणा आरबर, समुद्रा अनैक्स के सामने, गिरिश कोल्ड ड्रिंक क्रासिंग के पास, सी जी रोड, अहमदाबाद-380009	चाँदी तथा चाँदी धातुओं के आभूषणों शिल्पकारी शुद्धता एवं मुहरांकन आई एस 2112 : 2003	06-09-2010
3.	3644463	मैसर्स रिलायंस जैमस एंड ज्वैलस लिमिटेड, मानसी क्रास रोड, जजिस बंगला रोड, वस्त्रापुर, अहमदाबाद-380015	चाँदी तथा चाँदी धातुओं के आभूषणों शिल्पकारी शुद्धता एवं मुहरांकन आई एस 2112 : 2003	06-09-2010

(1)	(2)	(3)	(4)	(5)
4.	3644564	मैसर्स रिलायंस जैम्स एंड ज्वैल्स लिमिटेड, मनसी क्रॉस रोड, जजिस बंगला रोड, वस्त्रापुर, अहमदाबाद 380015	स्वर्ण तथा स्वर्ण धातुओं के आभूषणों शिल्पकारी शुद्धता एवं मुहरांकन आई एस 1417 : 1999	06-09-2010

[सं. सी एम डी/13:13]

टी. बी. नारायणन, वैज्ञानिक 'एफ' एवं प्रमुख

New Delhi, the 9th December, 2011

S.O. 3712.—In pursuance of sub-regulation (6) of the Regulation 5 of the Bureau of Indian Standards (Certification) Regulations, 1988, of the Bureau of Indian Standards, hereby notifies that the licences particulars of which are given below have been cancelled with effect from the date indicated against each :—

SCHEDULE

Sl. No.	Licences No. CM/L-	Name and Address of the Licensee	Article/Process with relevant Indian Standards covered by the licence cancelled	Date of Cancellation
(1)	(2)	(3)	(4)	(5)
1.	3644261	M/s. Reliance Gems and Jewels Ltd. Ground Floor & First Floor Prerana Arbour, Opp. Samudra Annex, Nr. Girish Cold Drink, Crossing C.G. Road, Ahmedabad-380009	Gold and Gold Alloys, Jewellery/ Artefacts, Fineness and Marking IS 1417 : 1999	06-09-2010
2.	3644362	M/s. Reliance Gems and Jewels Ltd. Ground Floor & First Floor Prerana Arbour, Opp. Samudra Annex, Nr. Girish Cold Drink, Crossing C.G. Road, Ahmedabad-380009	Silver and Silver Alloys, Jewellery/ Artefacts, Fineness and Marking IS 2112 : 2003	06-09-2010
3.	3644463	M/s. Reliance Gems and Jewels Ltd. Mansi Cross Road Judges Bungalow Road, Vastrapur, Ahmedabad 380015	Silver and Silver Alloys, Jewellery/ Artefacts, Fineness and Marking IS 2112 : 2003	06-09-2011
4.	3644564.	M/s. Reliance Gems and Jewels Ltd. Mansi Cross Road, Judges Bungalow Road, Vastrapur, Ahmedabad-380015	Gold and Gold Alloys, Jewellery/ Artefacts, Fineness and Marking IS 1417 : 1999	06-09-2010

[No. CMD/13:13]

T. B. NARAYANAN, Scientist 'F' & Head

नई दिल्ली, 12 दिसम्बर, 2011

का.आ. 3713.— भारतीय मानक ब्यूरो नियम 1987 के नियम 7 के उपनियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एनडोर्स और प्रमाणित करता है कि नीचे अनुसूची में दिये गये मानक (कों) में संशोधन किया गया/किये गये हैं :

अनुसूची

क्र. सं.	संशोधित भारतीय मानक की संख्या और वर्ष	संशोधन की संख्या और तिथि	संशोधन लागू होने की तिथि
(1)	(2)	(3)	(4)
1.	आई एस 13142 : 1991 नदी घाटी परियोजना द्वारा सृजित सिंचाई से होने वाले लाभों की प्रगति को वर्णित करने के लिए प्रपत्र (पहला पुनरीक्षण)	संशोधन संख्या 2 नवम्बर 2011	30 नवम्बर 2011
2.	आई एस 4410 (भाग 21) : 1987 नदी घाटी परियोजनाओं में संबंधी पारिभाषिक शब्दावली भाग 21 बाद नियंत्रण	संशोधन संख्या 1 नवम्बर 2011	30 नवम्बर 2011

इन संशोधनों की प्रतियाँ भारतीय मानक ब्यूरो, मानक भवन, 9, बहादुर शाह ज़फर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों : नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों : अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पूणे तथा तिरुवनन्तापुरम में बिक्री हेतु उपलब्ध हैं।

[संदर्भ : डब्ल्यू आर डी 06/टी-09 और टी-26]

जे. सी. अरोड़ा, वैज्ञानिक 'एफ' एवं प्रमुख (जल संसाधन विभाग)

New Delhi, the 12th December, 2011

S.O. 3713.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that amendment to the Indian Standards, particulars of which are given in the Schedule hereto annexed have been issued :

SCHEDULE

Sl. No.	Title and Year of the Indian Standards	No. and year of the Amendment	Date from which the Amendment shall have effect
(1)	(2)	(3)	(4)
1.	IS 13142 : 1991 Proforma for Reporting Progress of Irrigation Benefits Created by River Valley Projects (First Revision)	Amendment No. 2 November 2011	30 November 2011
2.	IS 4410 : (Part 21) : 1987 Glossary of Terms Relating to River Valley Projects : Part 21 Flood Control	Amendment No. 1 November 2011	30 November 2011

Copy of this Amendment is available with the Bureau of Indian Standards, Manak Bhavan, 9, Bahadur Shah Zafar Marg, New Delhi- 110002 and Regional Offices : New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneswar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[Ref: WRD06/T-09 & T-26]

J.C. ARORA, Scientist 'F' & Head (Water Resources Deptt.)

नई दिल्ली, 12 दिसम्बर, 2011

का.आ. 3714.—भारतीय मानक ब्यूरो नियम 1987 के नियम 7 के उपनियम (1) कं खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्द्वारा अधिसूचित करता है कि नीचे अनुसूची में दिये गये मानक (कों) में संशोधन किया गया/किये गये हैं :

अनुसूची

क्र. सं.	संशोधित भारतीय मानक (कों) की संख्या और वर्ष और शीर्षक	संशोधन की संख्या और तिथि	संशोधन लागू होने की तिथि
(1)	(2)	(3)	(4)
1.	आई एस 4889 : 1968 की संशोधन संख्या 3	03 अगस्त, 2011	12-12-2011
2.	आई एस 14578 : 1999 की संशोधन संख्या 1	01 अगस्त, 2011	12-12-2011

इन भारतीय संशोधनों की प्रतियाँ भारतीय मानक ब्यूरो, मानक भवन, 9, बहादुर शाह ज़फर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों : नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों : अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पूणे तथा तिरुवनन्तापुरम में बिक्री हेतु उपलब्ध हैं।

[संदर्भ : ईटी 15/टी 19, टी-72]

आर. के. त्रेहन, वैज्ञानिक 'ई' एवं प्रमुख (विद्युत तकनीकी)

New Delhi, the 12th December, 2011

S.O. 3714.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that amendment to the Indian Standards, particulars of which are given in the Schedule hereto annexed have been issued :

SCHEDULE

Sl. No.	No. and Year of the Indian Standards	No. and year of the Amendment	Date from which the Amendment shall have effect
(1)	(2)	(3)	(4)
1.	IS 4889 : 1968 Method of determination of efficiency of rotating electrical machines	03 August, 2011	12-12-2011
2.	IS 14578 : 1999 Three-Phase Induction Motors for use in Nuclear Power Plants	01 August, 2011	12-12-2011

Copy of this Amendment is available with the Bureau of Indian Standards, Manak Bhavan, 9, Bahadur Shah Zafar Marg, New Delhi- 110002 and Regional Offices : New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneshwar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[Ref: ET 15/T-19, T-72]

R. K. TREHAN, Scientist 'E' & Head (Electrotechnical)

नई दिल्ली, 13 दिसम्बर, 2011

का.आ. 3715.—भारतीय मानक ब्यूरो नियम 1987 के नियम 7 के उपनियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्द्वारा अधिसूचित करता है कि नीचे अनुसूची में दिये गये मानक (कों) में संशोधन किया गया/किये गये हैं :

अनुसूची

क्र. सं.	संशोधित भारतीय मानक (कों) की संख्या और वर्ष और शीर्षक	संशोधन की संख्या और तिथि	संशोधन लागू होने की तिथि
1	आई एस 14665 (भाग 2/अनुभाग 1) : 2000	02 नवम्बर, 2011	30 नवम्बर, 2011

इन संशोधनों की प्रतियाँ भारतीय मानक ब्यूरो, मानक भवन, 9, बहादुर शाह ज़फर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों : कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों : अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पूणे तथा तिरुवनन्तापुरम में बिक्री हेतु उपलब्ध हैं।

[संदर्भ : ईटी 25/टी-20]

आर. के. त्रेहन, वैज्ञानिक 'ई' एवं प्रमुख (विद्युत तकनीकी)

New Delhi, the 13th December, 2011

S.O. 3715.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that amendment to the Indian Standards, particulars of which are given in the Schedule hereto annexed have been issued :

SCHEDULE

Sl. No.	No. and Year of the Indian Standards	No. and year of the Amendment	Date from which the Amendment shall have effect
(1)	(2)	(3)	(4)
1.	IS 14665 : (Part 2/Sec. 1) : 2000 Electric Traction Lifts Part 2 Code of Practice For Installation, Operation And Maintenance Section 1 Passanger And Goods Lifts	02 November, 2011	30 November, 2011

Copies of this Amendment are available with the Bureau of Indian Standards, Manak Bhavan, 9, Bahadur Shah Zafar Marg, New Delhi- 110002 and Regional Offices : Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneswar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[Ref: ET 25/T-20]

R. K. TREHAN, Scientist 'E' & Head (Electrotechnical)

नई दिल्ली, 14 दिसम्बर, 2011

का.आ. 3716.—भारतीय मानक ब्यूरो नियम 1987 के नियम 7 के उपनियम (1) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिन भारतीय मानकों के विवरण नीचे अनुसूची में दिये गए हैं वे स्थापित हो गए हैं :

अनुसूची

क्र. सं.	संशोधित भारतीय मानक (कों) की संख्या, वर्ष और शीर्षक	नये भारतीय मानक द्वारा अतिक्रमित भारतीय मानक अथवा मानकों, यदि कोई हो, की संख्या और वर्ष	स्थापित तिथि
(1)	(2)	(3)	(4)
1.	आई एस 6885 (भाग 1) : 2011/आईएसओ 4545-1: 2005 धात्विक सामग्री--नूप कठोरता परीक्षण-भाग 1 परीक्षण पद्धति (पहला पुनरीक्षण)	आई एस 6885 : 1973	30 नवम्बर 2011
2.	आई एस 6885 (भाग 2) : 2011/आईएसओ 4545-2: 2005 धात्विक सामग्री--नूप कठोरता परीक्षण-भाग 2 परीक्षण मशीनों का सत्यापन एवं अंशशोधन (पहला पुनरीक्षण)	आई एस 7095 : 1973	30 नवम्बर 2011

(1)	(2)	(3)	(4)
3.	आई एस 6885 (भाग 3) : 2011/आई एसओ 4545-3 : 2005 धात्विक सामग्री-नूप कठोरता परीक्षण-भाग 3 संदर्भ ब्लॉक का अंशशोधन (पहला पुनरीक्षण)	आई एस 7097 : 1973	30 नवम्बर, 2011

इस भारतीय मानक की प्रतियाँ भारतीय मानक ब्यूरो, मानक भवन, 9, बहादुर शाह ज़फर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों : नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों : अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पूणे तथा तिरुवनन्तापुरम में बिक्री हेतु उपलब्ध हैं।

[संदर्भ : एमटीडी 3/टी-72, 74 एवं 75]

पी. घोष, वैज्ञानिक 'एफ' एवं प्रमुख (एमटीडी)

New Delhi, the 14th December, 2011

S.O. 3716.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that the Indian Standards, particulars of which are given in the Schedule hereto annexed have been established on the date indicated against each :

SCHEDULE

Sl. No.	No. and Year of the Indian Standards Established	No. and year of Indian Standards, if any, Superseded by the New Indian Standard	Date of Establishment
(1)	(2)	(3)	(4)
1.	IS 6885 (Part 1) : 2011/ISO 4545-1 : 2005 Metallic Materials—Knoop Hardness test Part 1 Test Method (First Revision)	IS 6885 : 1973	30 November, 2011
2.	IS 6885 (Part 2) : 2011/ISO 4545-2 : 2005 Metallic Materials—Knoop Hardness test Part 2 Verification and Calibration of Testing Machines (First Revision)	IS 7095 : 1973	30 November, 2011
3.	IS 6885 (Part 3) : 2011/ISO 4545-3 : 2005 Metallic Materials—Knoop Hardness test Part 3 Calibration of Reference Block (First Revision)	IS 7097 : 1973	30 November, 2011

Copy of this standard is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9, Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices : New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneswar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[Ref: MTD 3/T-72, 74 & 75]

P. GHOSH, Scientist 'F' & Head (MTD)

नई दिल्ली, 15 दिसम्बर, 2011

का.आ. 3717.—भारतीय मानक ब्यूरो नियम, 1987 के नियम 7 के के उप-नियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्द्वारा अधिसूचित करता है कि नीचे अनुसूची में दिये गये मानकों में संशोधन किया गया है :

अनुसूची

क्र. सं.	संशोधित भारतीय मानक की संख्या और वर्ष	संशोधनों की संख्या और तिथि	संशोधन लागू होने की तिथि
(1)	(2)	(3)	(4)
1.	2547 (भाग 2) : 1976	1. जुलाई, 2011	31 जुलाई, 2011
2.	3115 : 1992	1. जुलाई, 2011	31 जुलाई, 2011

(1)	(2)	(3)	(4)
3.	4098 : 1983	3. जुलाई, 2011	31 जुलाई, 2011
4.	4139 : 1989	1. जुलाई, 2011	31 जुलाई, 2011
5.	10360 : 1982	4. जुलाई, 2011	31 जुलाई, 2011
6.	10772 : 1983	3. जुलाई, 2011	31 जुलाई, 2011

इन संशोधनों की प्रतियाँ भारतीय मानक ब्यूरो, मानक भवन, 9, बहादुर शाह ज़फर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों : नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों : अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पुणे तथा तिरुवनन्तापुरम में बिक्री हेतु उपलब्ध हैं।

[संदर्भ : सीईडी/राजपत्र]

ए. के. सैनी, वैज्ञानिक 'एफ' एवं प्रमुख (सिविल इंजीनियरी)

New Delhi, the 15th December, 2011

S.O. 3717.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that amendment to the Indian Standards, particulars of which are given in the Schedule hereto annexed have been issued :

SCHEDULE

Sl. No.	No. and Year of the Indian Standards	No. and year of the Amendment	Date from which the Amendment shall have effect
(1)	(2)	(3)	(4)
1.	2547 : (Part 2) : 1976	1. July, 2011	31 July, 2011
2.	3115 : 1992	1. July, 2011	31 July, 2011
3.	4098 : 1983	3. July, 2011	31 July, 2011
4.	4139 : 1989	1. July, 2011	31 July, 2011
5.	10360 : 1982	4. July, 2011	31 July, 2011
6.	10772 : 1983	3. July, 2011	31 July, 2011

Copy of the Amendments is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9, Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices : New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneshwar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune and Thiruvananthapuram.

[Ref: CED/Gazette]

A. K. SAINI, Scientist 'F' & Head (Civil Engg.)

कोयला मंत्रालय

आदेश

नई दिल्ली, 16 दिसम्बर, 2011

का.आ. 3718.—कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 9 की उप-धारा (1) के अधीन जारी की गई भारत सरकार के कोयला मंत्रालय की अधिसूचना संख्या का.आ. 1672(अ) तारीख 20 जुलाई, 2011 के भारत का राजपत्र, भाग-II, खंड 3, उप-खंड (ii), तारीख 21 जुलाई, 2011 में प्रकाशित होने पर, उक्त अधिसूचना से उपाबद्ध अनुसूची में विहित की गई भूमि और ऐसी भूमि में या उस पर के सभी अधिकार (जिसे इसमें इसके पश्चात् उक्त भूमि कहा गया है) उक्त अधिनियम की धारा 10 की उप-धारा (1) के अधीन, सभी विल्लंगमों से मुक्त होकर, आत्यंतिक रूप से केन्द्रीय सरकार में निहित हो गए थे;

और, केन्द्रीय सरकार का यह समाधान हो गया है, कि महानदी कोलफील्ड्स लिमिटेड, सम्बलपुर, ओडिसा (जिसे इसमें इसके पश्चात् उक्त सरकारी कंपनी कहा गया है) ऐसे निबंधनों और शर्तों का, जो केन्द्रीय सरकार इस निमित्त अधिरोपित करना उचित समझे, अनुपालन करने के लिए राजांमंद है;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 11 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निदेश देती है कि इस प्रकार निहित उक्त भूमि में या उस पर के अधिकार तारीख 21 जुलाई, 2011 से केन्द्रीय सरकार में इस प्रकार निहित बने रहने के बजाय, निम्नलिखित निबंधनों और शर्तों के अधीन रहते हुए, उक्त सरकारी कंपनी में निहित हो जाएंगे, अर्थात् :—

- (1) सरकारी कंपनी, उक्त अधिनियम के उपबंधों के अधीन अवधारित प्रतिकर, ब्याज, और नुकसानी और ऐसी की बाबत किए गए सभी संदायों की केन्द्रीय सरकार को प्रतिपूर्ति करेगी;
- (2) सरकारी कंपनी द्वारा शर्त (1) के अधीन, केन्द्रीय सरकार को संदेय रकमों का अवधारण करने के प्रयोजन के लिए एक अधिकरण का गठन किया जाएगा तथा ऐसे किसी अधिकरण और ऐसे अधिकरण की सहायता के लिए नियुक्त व्यक्तियों के संबंधों में उपगत सभी व्यय, उक्त कंपनी वहन करेगी और इसी प्रकार निहित उक्त भूमि में या उस पर के खनन अधिकारों के लिए या उनके संबंध में सभी विधिक कार्यवाहियों की बाबत उपगत, सभी व्यय भी, उक्त सरकारी कंपनी वहन करेगी;
- (3) सरकारी कंपनी, केन्द्रीय सरकार या उसके पदधारियों की, ऐसे किसी अन्य व्यय के संबंध में जो इस प्रकार निहित उक्त भूमि में या उस पर के अधिकारों के बारे में, केन्द्रीय सरकार या उसके पदधारियों द्वारा या उनके विरुद्ध किन्हीं कार्यवाहियों के संबंध में आवश्यक हो, क्षतिपूर्ति करेगी;
- (4) सरकारी कंपनी को, केन्द्रीय सरकार के पूर्व अनुमोदन के बिना, उक्त भूमि और किसी अन्य व्यक्ति को खनन अधिकारों को अंतरित करने की शक्ति नहीं होगी; और
- (5) सरकारी कंपनी, ऐसे निदेशों और शर्तों का, जो केन्द्रीय सरकार द्वारा, जब कभी आवश्यक हो, उक्त भूमि के विशिष्ट क्षेत्रों के लिए दिए जाएं या अधिरोपित किए जाएं, पालन करेगी।

[फा. सं. 43015/17/2009-पीआरआईडब्ल्यू-1 (खंड-II)]

ए. के. दास, अवर सचिव

MINISTRY OF COAL

ORDER

New Delhi, the 16th December, 2011

S. O. 3718.—Whereas on the publication of the notification of the Government of India in the Ministry of Coal, number S.O. 1672(E) dated the 20th July, 2011 published in the Gazette of India, Part II, Section 3, Sub-section (ii), dated the 21st July, 2011 issued under sub-section (1) of Section 9 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957) (hereinafter referred to as the said Act), the land and all rights in or over the land described in the Schedule appended to the said notification (hereinafter referred to as the said lands) vested absolutely in the Central Government free from all encumbrances under sub-section (1) of Section 10 of the said Act;

And whereas, the Central Government is satisfied that the Mahanadi Coalfields Limited, Sambalpur, Odisha (hereinafter referred to as the Government Company) is willing to comply with such terms and conditions as the Central Government thinks fit to impose in this behalf;

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 11 of the said Act, the Central Government hereby direct that the said lands and rights in or over the said lands so vested shall with effect from 21st July, 2011 instead of continuing to so vest in the Central Government, shall vest in the Government Company, subject to the following terms and conditions, namely :—

- (1) the Government Company shall reimburse to the Central Government all payments made in respect of compensation, interest, damages and the like as determined under the provisions of the said Act;
- (2) a tribunal shall be constituted for the purpose of determining the amounts payable to the Central Government by the Government Company under condition (1) and all expenditure incurred in connection with any such tribunal and persons appointed to assist the tribunal shall be borne by the Government Company and similarly, all expenditure incurred in respect of all legal proceedings like appeals, etc., for or in connection with the mining rights, in or over the said lands, so vesting, shall also be borne by the Government Company;

- (3) the Government Company shall indemnify the Central Government or its officials against any other expenditure that may be necessary in connection with any proceedings by or against the Central Government or its officials, regarding the rights in or over the said lands so vested :
- (4) the Government Company shall have no power to transfer the said lands and the mining rights to any other persons without the prior approval of the Central Government; and
- (5) the Government Company shall abide by such direction and conditions as may be given or imposed by the Central Government for particular areas of the said lands, as and when necessary.

[F.No. 43015/17/2009-PRIW-I (Vol. II)]

A. K. DAS, Under Secy.

पेट्रोलियम और प्राकृतिक गैस मंत्रालय

नई दिल्ली, 14 दिसम्बर, 2011

का.आ. 3719.—केन्द्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उपनियम (4) के अनुसरण में पेट्रोलियम और प्राकृतिक गैस मंत्रालय के प्रशासनिक नियंत्रणाधीन सार्वजनिक क्षेत्र के उपक्रमों के निम्नलिखित कार्यालयों के जिनके 80 या अधिक प्रतिशत कर्मचारीवृन्द ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है, अधिसूचित करती हैं : —

इंडियन आयल कॉर्पोरेशन लिमिटेड

1. (विपणन प्रभाग), पालम ए.एफ.एस., सदर बाजार रोड, पालम मोड़, दिल्ली कैंट, नई दिल्ली-110010
2. (विपणन प्रभाग), इंडेन बॉटलिंग प्लांट, बोकानेर, श्रीगंगा नगर हाइवे, गांव बिचवाल, बोकानेर-334006
3. (विपणन प्रभाग), इंडेन बॉटलिंग प्लांट गुड़गांव, जेल रोड, नया गांव, बादशाहपुर, गुड़गांव
4. (विपणन प्रभाग), सी.आई.पी. टिकरीकलां, दिल्ली, घेवरा मोड़, नई दिल्ली-110041
5. (विपणन प्रभाग), जयपुर ए.एफ.एस. एअर फोर्स स्टेशन, जयपुर
6. (विपणन प्रभाग), इंडेन बॉटलिंग प्लांट करनाल, कोहंद आसंध रोड, गुड़गांव, करनाल (हरियाणा)
7. (विपणन प्रभाग), इंडेन बॉटलिंग प्लांट बहादुराबाद, इंडस्ट्रियल एरिया, हरिद्वार
8. (विपणन प्रभाग), करनाल एरिया कार्यालय, आसंध रोड, गांव पोस्ट गुधा, करनाल

[सं. 11011/1/2011 (हिन्दी)]

जानकी आहूजा, उप निदेशक (रा.भा.)

MINISTRY OF PETROLEUM AND NATURAL GAS

New Delhi, the 14th December, 2011

S.O. 3719.—In pursuance of Sub-rule (4) of Rule 10 of the Official Language (Use for official purposes of the Union) Rules, 1976, the Central Government hereby notifies the following offices of the Public Sector Undertakings under the administrative control of the Ministry of Petroleum and Natural Gas, in which 80 or more per cent of the staff have acquired working knowledge of Hindi :—

Indian Oil Corporation Limited

1. (Marketing Division), Palam A.F.S. Sadar Bazar Road, Palam Mode, Delhi Cant. New Delhi-110010
2. (Marketing Division), Indane Bottling Plant Bikaner, Shri Ganga Nagar Highway Vill. Bichwal, Bikaner-334006
3. (Marketing Division), Indane Bottling Plant Gurgaon, Jail Road, New Village, Badshahpur, Gurgaon
4. (Marketing Division), C.I.P., Tikrikalan Delhi, Ghevra Mode, New Delhi-110041
5. (Marketing Division), Jaipur A.F.S. Air Force Station, Jaipur
6. (Marketing Division), Indane Bottling Plant Karnal, Kohand Asandh Road, Gurgaon, Karnal (Haryana)
7. (Marketing Division), Indane Bottling Plant Bahadurabad, Industrial Area, Haridwar
8. (Marketing Division), Karnal Area Office, Asandh Road, Vill. & Post Gudha, Karnal

[No. 11011/1/2011 (Hindi)]

JANKI AHUJA, Dy. Director

श्रम एवं रोजगार मंत्रालय

नई दिल्ली, 24 नवम्बर, 2011

का० आ० 3720.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार केनरा बैंक _____ के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय-1, नई दिल्ली के पंचाट (संदर्भ संख्या 20/2010) को प्रकाशित करती है जो केन्द्रीय सरकार को 21-11-2011 को प्राप्त हुआ था।

[सं० एल-12012/30/2010-आई आर (बी-II)]

शीश राम, अनुभाग अधिकारी

MINISTRY OF LABOUR AND EMPLOYMENT

New Delhi, the 24th November, 2011

S.O. 3720.—In pursuance of Section 17 of the Industrial Disputes Act, 1947, the Central Government hereby publishes the Award (*Ref. No. 20/2010*) of the Central Government Industrial Tribunal/Labour Court-1, *New Delhi* now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of **CANARA BANK** and their workman, which was received by the Central Government on 21/11/2011.

[No. L-12012/30/2010-IR(B-II)]

SHEESH RAM, Section Officer

Tel. No. 23473147

ANNEXURE

BEFORE DR. R. K. YADAV, PRESIDING OFFICER,
CENTRAL GOVT. INDUSTRIAL TRIBUNAL NO. I,
KARKARDOOMA COURTS COMPLEX, DELHI

I.D. No. 20/2010

Shri Ishwar Singh,
(Special Assistant, Canara Bank)
Shakti Nagar branch,
through Sh. V.K. Agarwal, the President,
Delhi Pradesh Bank Workers Organisation,
898, Nar Sarak,
Delhi-110006

Workman

Versus

The General Manager,
Delhi Circle Office, Canara Bank,
Ansal Tower, Nehru Place,
New Delhi.

Management

AWARD

Disproportionate asserts to known source of his income were allegedly amassed by Shri Ishwar Singh

Chhokar, for which a charge-sheet was served upon him by the Canara Bank, his employer. Explanation tendered by him was found to be insufficient and a domestic enquiry was initiated against him. Enquiry Officer recorded his findings to the effect that there were abnormal credit transactions, to the extent of Rs. 64.97 lacs in accounts maintained by Shri Chhokar, his wife and son. After according him an opportunity to explain facts, the Disciplinary Authority awarded him punishment of bringing down to a lower stage in the scale of pay by two stages for a period of four years with cumulative effect, *vide* his order dated 30.11.2007. His appeal also came to be dismissed. He attempted to seek review of the aforesaid order, which petition was also declined. A dispute before the Conciliation Officer was raised by Shri Chhokar. Since conciliation proceedings failed, the appropriate Government referred the dispute to this tribunal for adjudication, *vide* order No. L-12012/30/2010-IR(B II), New Delhi dated 3rd of June, 2010 with following terms of reference:

"Whether the action of the Management of Canara Bank, Delhi Circle Office New Delhi in imposing the Punishment of bringing down to a lower stage in scale of pay by two stages for a period of four years with cumulative effect under chapter XI, regulation 4(c) of Canara Bank Service code is justified or not? What relief the workman concerned is entitled to and from which date".

2. Claim statement was filed by Shri Chhokar pleading therein that charge sheet dated 29th of January, 2007 was served upon him by the Deputy General Manager, invoking provisions of Chapter XI of regulation 3(m) of Canara Bank Service Code (herein after referred to as the Service Code). He replied the charge sheet on 13.2.2007. Disciplinary authority ordered for a regular enquiry on 28.8.2007 and appointed Shri G.B. Narulakar as the Enquiry Officer. Shri Kishore Arora was appointed as Presenting Officer. The Enquiry Officer conducted proceedings and thereafter Presenting Officer submitted his written brief on 14.6.2007. His defence representative submitted his written brief on 26.6.2007. The Enquiry Officer submitted his report to the Disciplinary Authority, who forwarded a copy of that report to him. He submitted his representation on 25.7.2007 against the report of the Enquiry Officer. Show cause notice was served upon him. Personal hearing was accorded to him on 29.11.07. *Vide* order dated 30.11.07, punishment of bringing him down to a lower stage in scale of pay by two stages for a period of four years, with cumulative effect, was awarded. He preferred an appeal on 23.1.2008, which was declined, *vide* order dated 9.6.2008. He preferred a review petition against that order, since there was no bar in the rules and regulations against a review petition. However his review petition was dismissed by an incompetent authority, without addressing to the issues raised therein.

3. The claimant pleads that charge sheet and allegations contained therein were based on wrong

premises. According to him accounts of his wife and son ought not to have been clubbed. Credit summations were inflated. Credit cash and credit transfer entries were clubbed together which cannot be done. According to him these facts made charge sheet illegal. Neither the Enquiry Officer nor the Disciplinary Authority nor the Appellate Authority applied their mind to the above propositions. During the course of enquiry, witnesses examined by him explained cash entries in accounts maintained by him, his wife and son. The Enquiry Officer had also recorded a finding to the effect that the claimant has been able to explain the cash entries. Other entries were neither the subject matter of the charge sheet nor the enquiry. His income from his salary and other negotiable instruments were not taken into account, which resulted in prejudice to him. He raised an issue that charge sheet was served upon him after 8 years, which the bank cannot do. The findings recorded by the Enquiry Office were based on no evidence, hence perverse. He also questions the punishment awarded to him pleading that no such punishment is provided in the Service Code. He claimed that punishment awarded to him may be set aside and his pay may be restored to its original position.

4. The bank demurred the claim pleading that on receipt of written complaint against the claimant, in respect of abnormal transactions in his bank accounts, an investigation was conducted. Shri B. Chandra Shekharan and R. Mohan submitted their report dated 17.11.2006, out of which it came to light that the claimant was having transactions and credits in his accounts as well as in accounts of his wife and son, which were disproportionate to his known sources of income. His explanation was called, *vide* letter dated 21.11.2006. Reply dated 1.12.2006 was found not to be satisfactory. Hence charge sheet dated 29.1.2007 was issued.

The enquiry was conducted in accordance with principles of natural justice, by affording reasonable opportunities to the claimant to prove his innocence. Enquiry Officer recorded his findings, copy of which report was sent to the Disciplinary Authority. On consideration of comments submitted by the claimant, punishment of bringing him down to lower stage in scale of pay by two stages for a period of four years with cumulative effect was awarded to him, *vide* order dated 30.11.2007. His appeal was rejected by the Appellate Authority on 17.6.2008. He preferred a review petition which stood rejected *vide* order dated 17.10.2008, since there was no provision in the Service Code for a review. He filed a writ petition before High Court of Delhi, which was withdrawn by him since he had approached the authority under the Industrial Disputes Act, 1947 (in short the Act). It has been pointed out that service record of the claimant has not been clean, since punishments were awarded to him in past also. A gross misconduct was committed by the claimant and punishment awarded to him commensurate to his misconduct. It has

been projected that the claimant is not entitled to any relief and his claim statement may be rejected.

5. On pleadings of the parties, following issues were settled:

1. Whether the enquiry conducted by the management was just, fair and proper?
2. As in terms of reference.
3. Relief.

6. Issue No. 1, treated as preliminary issue, was decided in favour of the claimant and against the bank *vide* order dated 25.8.2010.

7. In order to prove misconduct of Shri Chhokar, Shri Ajay Garg and Shri Ajeet Kumar Srivastava were examined by the bank. Shri Rajesh Sharma, Smt. Brahm Bala and the claimant entered the witness box in rebuttal. No other witness was examined by either of the parties.

8. Arguments were heard at the bar. Shri Rajat Arora, authorised representative, raised his submissions on behalf of the bank. Shri Amit Punj, authorised representative, presented facts on behalf of the claimant. Written submissions were also filed on behalf of the claimant. I have given my careful considerations to the arguments advanced at the bar and cautiously perused the record. My findings on issues involved in the controversy are as follows.

9. At the outset it would be considered as to whether the bank has a right to prove misconduct of the claimant before this Tribunal, when the enquiry conducted by the bank is found to be vitiated. Four standards were delineated by the Labour Appellate Tribunal in Buckingham & Carnatic Company Limited (1952 L.A.C. 490) to render managerial right of taking disciplinary action vulnerable, namely, (i) where there is a want of bona fides, or (ii) when it is a case of victimization or unfair labour practice or violation of the principles of natural justice, or (iii) when there is basic error of facts, or (iv) when there has been a perverse finding on the materials. This articulation was adopted by the Apex Court with slight modification in Indian Iron and Steel Company Ltd. [1958(1) LLJ 260], without any acknowledgement to the precedent in Buckingham & Carnatic case (*supra*), wherein it was ruled that the power of the management to direct its own internal administration and discipline was not unlimited and liable to be interfered with by industrial adjudication when a dispute arises to see whether termination of services of a workman is justified and to give appropriate relief. However, it was announced that the jurisdiction of an Industrial Tribunal to interfere with the managerial prerogative of taking disciplinary action is not of appellate nature as the legislature has not chosen to confer such jurisdiction upon it. Hence Tribunal could not substitute its own judgement for that of the management. The Court laid down that in the following

circumstances as industrial adjudicator can interfere with the disciplinary action taken by the employer: (1) when there is want of good faith, (2) when there was victimization or unfair labour practice, (3) when the management had been guilty of a basic error or violation of the principles of natural justice, or (4) when on the materials, the finding was completely baseless or perverse.

10. Enunciation (1) and (2), referred above, are addressed to the *bona fides* of the employer in initiating the action and inflicting the punishment, while postulates (3) and (4) are addressed to domestic enquiry. Therefore, an employer is required to act *bona-fide* in initiating disciplinary action as well as in inflicting the punishment. In initiating the action, the alleged act of misconduct should not be a ruse for something else, such as the trade union activities of the workman or employers dislike of him for some personal reasons. The action should not be motivated by vindictiveness or ulterior purpose, so as to smack for victimization or unfair labour practice. Likewise in the matter of inflicting punishment, the employer should act fairly. In case punishment awarded is so shockingly disproportionate to the act of the misconduct, as no reasonable man would ever impose that itself may lead to an inference of *mala fides*, victimization or unfair labour practice. In holding enquiry, the Enquiry Officer must comply with the rules of natural justice. He must not be a biased person and give reasonable opportunity to both sides for being heard. His findings should not be baseless or perverse.

11. In *Ramswarth Sinha* (1954 L.A.C. 697) the Labour Appellate Tribunal recognized the right of the management to ask for permission to adduce evidence before the Tribunal to justify its action in a "no enquiry" case. Following that proposition the Apex Court equated the cases of "Defective enquiry" with "no enquiry" cases and ruled that in either cases, the Tribunal have jurisdiction to go into the merits of the case on the basis of evidence adduced before it by the parties. Reference can be made to the precedent in *Motipur Sugar Factory Pvt. Ltd.* [1965(2) LLJ 162] where the employer had held no enquiry at all before the dismissal and, therefore, adduced evidence to justify its action before the Tribunal, which decision was upheld. The Apex Court discarded the plea on behalf of the workman that since no enquiry at all had been held by the employer, it had no right to adduce evidence to justify its stand before the Tribunal. In *Ritz Theatre* [1962 (II) LLJ 498] it was ruled by the Supreme Court that the Tribunal would be justified to go to the merits of the case and decide for itself on the basis of the evidence adduced whether the charges have indeed been made out. It announced that it would neither be fair to the management nor fair to the workman himself in such a case that the Tribunal should refuse to take the evidence and thereby drive the management to pass through the whole process of holding the enquiry all over again. Reference can also be made to the precedent in *Bharat Sugar Mills*

Ltd. [1961 (11) LLJ 644].

12. In *Delhi Cloth and General Mills Co.* [1972 (1) LLJ 180] Apex Court considered the catena of decisions over the subject and laid down the following principles:

"(1) If no domestic enquiry had been held by the management, or if the management makes it clear that it does not rely upon any domestic enquiry that may have been held by it, it is entitled to straightaway adduce evidence before the Tribunal justifying its action. The Tribunal is bound to consider that evidence so adduced before it, on merits, and give a decision thereon. In such a case, it is not necessary for the Tribunal to consider the validity of the domestic enquiry as the employer himself does not rely on it.

(2) If a domestic enquiry had been held, it is open to the management to rely upon the domestic enquiry held by it, in the first instance, and alternatively and without prejudice to its plea that the enquiry is proper and binding, simultaneously adduce additional evidence before the Tribunal justifying its action. In such a case no inference can be drawn, without anything more, that the management has given up the enquiry conducted by it.

(3) When the management relies on the enquiry conducted by it, and also simultaneously adduces evidence before the Tribunal, without prejudice to its plea that the enquiry proceedings are proper, it is the duty of the Tribunal, in the first instance, to consider whether the enquiry proceedings conducted by the management, are valid and proper. If the Tribunal is satisfied that the enquiry proceedings have been held properly and are valid, the question of considering the evidence adduced before it on merits, no longer survives. It is only when the Tribunal holds that the enquiry proceedings have not been properly held, that it derives jurisdiction to deal with the merits of the dispute and in such a case it has to consider the evidence adduced before it by the management and decide the matter on the basis of such evidence.

(4) When the domestic enquiry has been held by the management and the management relies on the same, it is open to the latter to request the Tribunal to try the validity of the domestic enquiry as a preliminary issue and also ask for an opportunity to adduce evidence before the Tribunal, if the finding on the preliminary issue is against the management. However, elaborate and cumbersome the procedure may be, under such circumstances, it is open to the Tribunal to deal, in the first instance, as a preliminary issue the validity of the domestic enquiry. If its findings on the preliminary issue is in favour of the

management, then no additional evidence need be cited by the management. But, if the finding on the preliminary issue is against the management, the Tribunal will have to give the employer an opportunity to cite additional evidence and also give a similar opportunity to the employee to lead evidence contra, as the request to adduce evidence had been made by the management to the Tribunal during the course of the proceedings and before the trial has come to an end. When the preliminary issue is decided against the management and the latter leads evidence before the Tribunal, the position under such circumstances, will be, that the management is deprived of the benefit of having the findings of the domestic tribunal being accepted as *prima facie* proof of the alleged misconduct. On the other hand, the management will have to prove, by adducing proper evidence, that the workman is guilty of misconduct and that the action taken by it is proper. It will not be just and fair either to the management or to the workman that the Tribunal should refuse to take evidence and thereby ask the management to take further action, after holding a proper enquiry, and deprive the workman of the benefit of the Tribunal itself being satisfied, on evidence adduced before it, that he was or was not guilty of the alleged misconduct.

(5) The management has got a right to attempt to sustain its order by adducing independent evidence before the Tribunal. But the management should avail itself of the said opportunity by making a suitable request to the Tribunal before the proceedings are closed. If no such opportunity has been availed of, or asked for by the management, before the proceedings are closed, the employer can make no grievance that the Tribunal did not provide such an opportunity. The Tribunal will have before it only the enquiry proceedings and it has to decide whether the proceedings have been held properly and the findings recorded therein are also proper.

(6) If the employer relies only on the domestic enquiry and does not simultaneously lead additional evidence or ask for an opportunity during the pendency of the proceedings to adduce such evidence, the duty of the Tribunal is only to consider the validity of the domestic enquiry as well as the finding recorded therein and decide the matter. If the Tribunal decides that the domestic enquiry has not been held properly, it is not its function to invite *suo motu* the employer to adduce evidence before it to justify the action taken by it.

(7) The above principles apply to the proceedings before the Tribunal, which have come before it either on a reference under Section 10 or by way of an

application under Section 33 of the Act.

13. Keeping in view the proposition laid by the Apex Court in Delhi Cloth and General Mills Co. (supra), the Parliament inserted section 11-A in the Act, which came into force *w.e.f.* 15th of December, 1971. In the statement of objects and reasons for inserting section 11-A, it was stated:

"In Indian Iron and Steel Company Limited and Another Vs. Their Workmen (AIR 1958 S.C. 130 at p. 138), the Supreme Court, while considering the Tribunal's power to interfere with the management's decision to dismiss, discharge or terminate the services of a workman, has observed that in case of dismissal on misconduct, the Tribunal does not act as a court of appeal and substitute its own judgment for that of the management and that the Tribunal will interfere only when there is want of good faith, victimization, unfair labour practice, etc., on the part of the management.

2. The International Labour Organisation, in its recommendation (No. 119) concerning 'Termination of employment at the initiative of the employer' adopted in June 1963, has recommended that a worker aggrieved by the termination of his employment should be entitled to appeal against the termination among others, to a neutral body such as an arbitrator, a court, an arbitration committee or a similar body and that the neutral body concerned should be empowered to examine the reasons given in the termination of employment and the other circumstances relating to the case and to render a decision on the justification of the termination. The International Labour Organisation has further recommended that the neutral body should be empowered (if it finds that the termination of employment was unjustified) to order that the worker concerned, unless reinstated with unpaid wages, should be paid adequate compensation or afforded some other relief.

3. In accordance with these recommendations, it is considered that the Tribunal's power in an adjudication proceeding relating to discharge or dismissal of a workman should not be limited and that the Tribunal should have the power, in cases wherever necessary to set aside the order of discharge or dismissal and direct reinstatement of the workman on such terms and conditions, if any, as it thinks fit or give such other reliefs to the workman including the award of any lesser punishment in lieu of discharge or dismissal as the circumstances of the case may require. For this purpose, a new Section 11-A is proposed to be inserted in the Industrial Disputes Act, 1947.....".

14. After insertion of section 11-A, the Apex Court

summed up the law in the case of Firestone Tyre and Rubber Co. [1973 (1) LLJ 278] in the following propositions:

"(1) The right to take disciplinary action and to decide upon the quantum of punishment are mainly managerial functions, but if a dispute is referred to a Tribunal, the latter has power to see if action of the employer is justified.

(2) Before imposing the punishment, as employer is expected to conduct a proper enquiry in accordance with the provisions of the Standing Orders, if applicable, and principles of natural justice. The enquiry should not be an empty formality.

(3) When a proper enquiry has been held by an employer, and the finding of misconduct is a plausible conclusion flowing from the evidence, adduced at the said enquiry, the Tribunal has no jurisdiction to sit in judgement over the decision of the employer as an appellate body. The interference with the decision of the employer will be justified only when the findings arrived at in the enquiry are perverse or the management is guilty of victimization, unfair labour practice or *mau a fide*.

(4) Even if no enquiry has been held by an employer or if the enquiry held by him is found to be defective, the Tribunal in order to satisfy itself about the legality and validity of the order, had to give an opportunity to the employer and employer to adduce evidence before it. It is open to the employer to adduce evidence for the first time justifying his action, and it is open to the employee to adduce evidence contra.

(5) The effect of an employer not holding an enquiry is that the Tribunal would not have to consider only whether there was a *prima facie* case. On the other hand, the issue about the merits of the impugned order of dismissal or discharge is at large before the Tribunal and the latter, on the evidence adduced before it, has to decide for itself whether the misconduct alleged is proved. In such cases, the point about the exercise of managerial functions does not arise at all. A case of defective enquiry stands on the same footing as no enquiry.

(6) The Tribunal gets jurisdiction to consider the evidence placed before it for the first time in justification of the action taken only, if no enquiry has been held or after the enquiry conducted by an employer is found to be defective.

(7) It has never been recognized that the Tribunal should straightaway, without anything more, direct reinstatement of a dismissed or discharged employee, once it is found that no domestic enquiry has been held or the said enquiry is found to be defective.

(8) An employer, who wants to avail himself of the opportunity of adducing evidence for the first time before the Tribunal to justify his action, should ask for it at the appropriate stage. If such an opportunity is asked for, the Tribunal has no power to refuse. The giving of an opportunity to an employer to adduce evidence for the first time before the Tribunal is in the interest of both the management and the employee and to enable the Tribunal itself to be satisfied about the alleged misconduct.

(9) Once the misconduct is proved either in the enquiry conducted by an employer or by the evidence placed before a Tribunal for the first time, punishment imposed cannot, be interfered with by the Tribunal except in cases where the punishment is so harsh as to suggest victimization.

(10) In a particular case, after setting aside the order of dismissal, whether a workman should be reinstated or paid compensation is, as held by this Court in *The Management of Panitole Tea Estate Vs. The Workmen*, within the judicial decision of a Labour Court or Tribunal".

15. As pointed out above punishment of "bringing down to a lower stage in scale of pay by two stages for a period of four years with cumulative effect" was awarded to the claimant. It is not a case of award of punishment of discharge or dismissal, thereby invoking the provisions of section 11-A of the Act. Case of the claimant is to be considered on the basis of the law laid in the precedents handed down prior to the insertion of section 11-A of the Act. As detailed above, previously when an employer held a valid enquiry before passing an order for dismissal, the Tribunal had no power to interfere with the punishment unless it was vitiated by one of the four infirmities laid on *Indian Iron and Steel Company (supra)*. The conduct of the enquiry and imposition of the punishment were all considered to be managerial functions and the Tribunal had no power to interfere, unless the findings were perverse or the punishment was shockingly disproportionate. Now section 11-A of the Act gives two folds powers to the Tribunal, firstly, it is virtual power of appeal against finding of fact made by the Enquiry Officer in his report with regard to appreciation of evidence and conclusion on facts, and secondly, it is power of reappraisal of quantum of punishment. However, the present case is to be considered in the light of the precedent laid by the Apex Court in *Delhi Cloth and General Mills Co. (supra)*. Though that case was also a case of dismissal, yet proposition laid by the Apex Court therein were general, which apply to all type of cases, wherein punishment other than discharge or dismissal are awarded by the employer to an employee. Law laid down in the said precedent still holds water. Hence it is concluded that when a domestic enquiry is found to be irregular, invalid or improper the Tribunal had to give an opportunity to the

employer to prove his case and in doing so the Tribunal had to try the merits of the case. Consequently it is announced that the bank was justified in adducing evidence to prove misconduct of the claimant before the Tribunal.

16. On turning to present controversy, scrutiny of facts unfolded by Shri Ajay Garg highlight that charts, depicting salary of the claimant from November 1977 till September 1996 and October 1996 till December 2006, have been proved by him as Ex. MW2/1 and Ex. MW2/2 respectively. These charts are certified by Shri Ajit Kumar Srivastava under the Bankers' Book Evidence Act 1891. As per contents of these charts, salary paid to the claimant from November 1977 till December 2006 comes to Rs. 17,10,825/-. His national expenses were arrived at Rs. 11,403,40.70 for the period, referred above, as detailed in chart Ex. MM2/3. He proves salary statements of the claimant from April 2003 to December 2006 as Ex. MW2/4 to Ex. MW2/23. Ex. MW2/3 to Ex. MW 2/23 are also certified under the Bankers' Book Evidence Act, 1891.

17. Shri Garg went on to detail that Shri Ishwar Singh Chhokar was maintaining seven accounts in Chandani Chowk Fatehpuri branch of the bank, account statement in respect the above accounts are Ex. MW2/24 to Ex. MW2/30. Out of the accounts, referred above, one account was in the name of his wife, namely, Smt. Ved Wati while the other account was in the name of his son Rahul. On 31.12.2006, claimant was running only five accounts including accounts of his wife and son. He details that in Saving Bank Account No. 25388, maintained in the name of Smt. Ved Wati, a sum of Rs. 26,831.49 was lying deposited as on 31.12.2006, while a sum of Rs. 36,371.50 was lying deposited in account No. 25805, maintained in the name of his son. In Saving Bank Account No. 25388 there was a credit entry of Rs. 47,500/- on 17.1.2004. There were other credit entries in the said account, which were of Rs. 17,195/- on 21.1.2004, Rs. 13,155/- on 21.1.2004, Rs. 23,000/- on 6.2.2004, Rs. 10,000/- on 7.2.2004, Rs. 53,000/- on 26.2.2004 and Rs. 23,000/- on 26.2.2004, which credit entries were abnormal.

18. In Saving Bank Account No. 25805 there was a credit entry of Rs. 38,000/- on 3.8.2006, deposes Shri Garg. There was other credit entry in the said account for Rs. 80,000/- on 13.10.2006. In the same manner in account No. 2281 there was a credit entry of Rs. 100,000 on 29.8.2005. Similarly there were credit entries for Rs. 41,227/- on 24.10.2005, Rs. 72,664/- on 2.11.2004, Rs. 1,50,000/- on 19.11.2004, Rs. 1,20,000/- on 22.11.2004, Rs. 1,00,000/- on 23.11.2004, Rs. 2,00,000/- on 27.11.2004, Rs. 2,00,000/- on 27.11.2004 and Rs. 1,00,000/- on 29.11.2004 unfolds Shri Garg.

19. However he concedes that in OD Account No. 2281 there was a debit entry of Rs. 1,06,022.73 on 31.12.2006. During the course of his cross-examination, he makes a

candid admission that he could not prove any case against the claimant concerning disproportionate asserts acquired by him. It is also admitted by him that on 27.11.2004 the claimant made a payment of Rs. 9,66,110/- to the DDA from his account by way of demand draft. It was also not disputed by him that credit entries in the accounts of the claimant, his wife and son were not verified to know the sources of those entries.

20. Shri Ajit Kumar Srivastava declares that account statement Ex. MW2/4 to Ex. MW2/30 were prepared and certified by him under the Bankers' Book Evidence Act 1891. An anonymous complaint Ex. MW3/1 was received against the claimant. Investigation on that complaint was conducted by Shri G.S. Ravi Sudhakar, who submitted his report Ex. MW3/2 in that regard. Shri Ravi concluded in his report that there were abnormal transactions in the accounts maintained by the claimant, his wife and son. During the course of his cross-examination, he unfolds that he has not verified source of credit entries in the accounts of the claimant, his wife and son. He concludes that no document is available with the bank to suggest that the claimant was engaged in any business or profession, other than his service.

21. Shri Rajesh Sharma deposes that on 29.11.2004 Shri Ishwar Singh borrowed a sum of Rs. 1,00,000/- from him, which amount was paid by him through a cheque drawn on account No. 25184, maintained at Chandni Chowk Fatehpuri branch of the bank. He projects that the borrowed money was returned by the claimant in five-six months in cash, which amount was not deposited by him in the aforesaid account. He asserts that no interest was charged from Shri Ishwar Singh, as and when he borrowed money from him. He announces that Shri Ishwar Singh is the classmate of his uncle, which fact led him to advance money and not to charge any interest on it.

22. Smt. Brahm Bala, sister-in-law of the claimant, announces that the claimant borrowed a sum of Rs. 1,20,000/- from her on 22.11.2004 and returned the amount on 29.11.2004. She admits that the aforesaid amount was withdrawn by her from the account on 7.12.2004 and 10.12.2004. She offers an explanation that it was so done, since her house was under construction in those days. She also concedes that a sum of Rs. 34,000/- was also deposited in her account by way of transfer from the account of smt. Ved Wati.

23. In his affidavit Ex. WW3/A, tendered as evidence, the claimant details that various loan facilities were availed by him from the bank, which have been enlisted by him to Ex. WW3/2. Accordingly to him, he had invested amounts in various investment scheme like R. Ds, K.D.R. etc., details of which are given in Ex. WW3/3. He claims to have given details of his investments in various schemes like LIC, ULIP, UTL, debentures, bonds and shares etc. in Ex. WW3/4. His Wife Ved Wati, an Aanganwadi, worker, earns Rs. 3200 per

month, besides being engaged in business of dairy products etc, agitates Shri Chhokar. His son was employed with a soft drink company, from where he used to earn Rs. 6000/- per month, besides being engaged in the business of property dealing. He has one third share in 12 acres of agricultural land, out of which he has an income of Rs. 33,000 to 40,000 per annum. He give details of alleged friendly loans taken by him from various persons in Ex. WW3/A. According to him entries in the accounts maintained by him were pertaining the amounts, so borrowed. He claims that he never indulged in any kind of avocation, business or other activity, outside the scope of his duties.

24. When facts unfolded by the claimant in his affidavit Ex. WW3/A were purified by an ordeal of cross-examination, he conceded that in his O.D. Account No. 2281 a sum of rupees nine or nine and a half lacs were deposited from 21.10.2004. to 29.11.2004. He further concedes that out of the aforesaid amount a sum of roughly three lacs were deposited in cash. He borrowed a sum of rupees one lac twenty thousand in cash from Smt. Braham Bala. He paid a sum of Rs. 9,166,110/- to DDA on 27.11.2004 towards installment of a flat. He has borrowed a sum of Rs. 1,50,000 from his brother Beni Ram and a sum of Rs. 1,00,000/- from his elder brother Sunhara. He had returned borrowed money to Smt. Braham Bala on 29.11.2004, within six days. He concedes that he used to lend money to various persons and used to charge interest on borrowed money. He admits that he had no disclosed to the bank that he used to lend money and charge interest. He concedes that he had committed a mistake in that regard.

25. Facts, unfolded by Shri Garg, proved by Shri Srivastawa through account statements Ex. MW2/4 to Ex. MW2/30 and those conceded by the claimant, make it clear that there were abnormal credit entries in the accounts maintained by the claimant, his wife and son. However an explanation has been offered by the claimant that he borrowed money from his brothers, relations and friends to pay installment of flat, allotted to him by the DDA. It is not a disputed fact that on 27.11.2004, he paid a sum of Rs. 96,61,110/- to DDA by way of demand drafts. Whether those abnormal credit entries were there in the accounts, owing to borrowing made by the claimant? Onus was there on the bank to establish that those credit entries were abnormal, giving an inference that the claimant was doing some business outside the scope of his duties. To discharge onus, the bank brough Shri Garg in the witness box. At the cost of repetition it is said that Shri Garg deposed that in Saving Bank Account No. 25388 there was a credit entry of Rs. 47,500/- on 17.1.2004. There were other credit entries in the said account of Rs. 17,195/- on 21.1.2004, Rs. 13,155/- on 21.1.2004, Rs. 23,000/- on 6.2.2004, Rs. 10,000/- on 7.2.2004, Rs. 53,000/- on 26.2.2004 and Rs. 23,000/- on 26.2.2004, which credit entries were abnormal.

26. It was announced by Shri Garg that in Saving Bank Account No. 25805 there was a credit entry of Rs. 38,000/- on 3.8.2006. There was other credit entry in the said account Rs. 80,000/- on 13.10.2006. In the same manner in account No. 2281 there was a credit entry of Rs. 1,00,000 on 29.8.2005. Similarly there were credit entries which are of Rs. 41,227/- on 24.10.2005, Rs. 72,664/- on 2.11.2004, Rs. 1,50,000/- on 19.11.2004, Rs. 1,20,000/- on 22.11.2004, Rs. 1,00,000/- on 23.11.2004, Rs. 2,00,000/- on 27.11.2004, and Rs. 1,00,000/- on 29.11.2004, highlight Shri Garg.

27. Whether non-verification of these credit entries to know their sources, as testified by Shri Garg and Srivastawa, would led this Tribunal to record facts in favour of the claimant? Answer lies in negative. Reasons are plain and simple. Claimant admits in his testimony that he used to lend money and charge interest on its. He further concedes that he never informed the bank in that regard and committed a mistake. These facts make it clear that the claimant was involved in money lending business, without seeking any permission from the bank, his employer. To lend money on interest is a business activity, in which the claimant was engaged. It was outside the scope of his duty. He was engaged in that business activity, without written permission of the bank.

28. The employer bank advances money to its customer on interest. The claimant was expected to promote interest on the bank in connections with which he was employed. He was duty bound to serve the bank with good faith and fidelity. Instead of being honest and sincere to the bank, he was engaged in money lending business in contradiction of the interest of his employer. His acts were averse to the interest of the bank. Therefore it is crystal clear that the claimant was doing acts which were prejudicial to the interest of the bank.

29. During the course of adducing evidence and raising submissions in the matter, the bank dropped the charges of amassing disproportionate asserts to know sources of his income against the claimant. However charges of engaging in business outside the scope of his duties and doing acts prejudicial to the interest of the bank has been established against the claimant. Therefore, it is concluded that the bank has been able to prove gross-misconduct against the claimant, as defined in regulation 3(b) and 3(m) of chapter XI of the Service Code.

30. What punishment would suit the claimant? Regulation 4 of the Service Code enlists punishments, which may be awarded to an employee found guilty of gross-misconduct. The punishment, so detailed, are extracted thus:

“4. An employee found guilty of gross-misconduct may:

(a) be dismissed without notice, or

(b) be removed from service with superannuation benefits *i.e.* Pension and/or Provident Fund and Gratuity as would be due otherwise under the Rules or Regulations prevailing at the relevant time and without disqualification from future employment; or

(c) be compulsorily retired with superannuation benefits *i.e.* Pension and Provident Fund and Gratuity as would be due otherwise under the Rules or Regulations prevailing at the relevant time and without disqualification from future employment; or

(d) be discharged from service with superannuation benefits *i.e.* Pension and/or Provident Fund and Gratuity as would be due otherwise under the Rules or Regulations prevailing at the relevant time and without disqualification from future employment; or

(e) be brought down to lower stage in the scale of pay up to a maximum of two stages; or

(f) have his increment/s stopped with or without cumulative effect; or

(g) have his special pay withdrawn; or

(h) be warned or censured, or have an adverse remark entered against him; or

(i) be fined".

31. Punishment awarded to the claimant by the bank was of "bringing down to a lower stage in scale of pay by two stages for a period of four years with cumulative effect". As emerge out, the bank multiplied the punishment by clubbing those which are coined by regulation 4(e) and 4(f) of the Service Code. As noticed disjunctive word "or" has been used time and again to separate all clauses (a) to (i) of regulation 4 of the Service Code. Use of word "or" in between clauses (a) to (i) of the aforesaid regulation makes intention of the drafters of the regulations manifest to this effect that these clauses or use of word "or" in between those clauses do not produce any grammatical distortion in ascertaining intention of the drafters. One cannot say that reading of "or" as "and" in between the clauses, referred above, would produce an absurd result. There are no circumstances which would oblige this Tribunal to read "or" as "and" in between the clauses, referred above. Therefore clauses (a) to (i) of regulation 4 of the Service Code, which are separated by "or", are to be read in alternative to each other. Punishment, awarded to the claimant, makes it clear that the bank read word "or" as "and" and gave cumulative effect to the provisions of clauses (e) and (f) of regulation 4 of the Service Code. Award of punishment by giving cumulative effect to these two clauses of aforesaid regulation cannot be said either to be legal or justified.

32. Misconducts, coined by clauses (b) and (m) of regulation 3 of the Service Code, have been committed by

the claimant. As detailed above, misconduct of engaging in business, outside the scope of duties, is committed by series of acts, any of which act may amount to misconduct of doing an act prejudicial to the interest of the bank. Therefore it emerges that a number of acts were committed by the claimant, all of which are misconducts both collectively as well as individually. What punishment or penalty may be awarded for such misconducts? No provision is there in regulation 4 of the Service Code for such a situation. On the other hand paragraph second of regulation 6 contemplates that a workman found guilty of misconduct, whether gross or minor, shall not be given more than one punishment in respect of any one charge. Though the bank may argue that different charges have been proved against the claimant, yet misconducts, referred above, show organic connection of acts with a result differing from the element. In such a situation it is clear that misconduct of engaging oneself in business of money lending, while being an employee of the bank, outside the scope of one's duties, would fall within the mischief of clauses (b) and (m) of regulation 3 of the Service Code. Which misconduct cannot be punished separately, for he would be punished several times over for the same act.

33. Section 26 of the General Clauses Act, 1897 is based on the principle that if a person is made to undergo punishment more than once for the same act, there would be harassment beyond limits. The said section enacts: "where an act or omission constitutes an offence under two or more enactments, than the offender shall be liable to be prosecuted and punished under either or any of those enactments, but shall not be liable to be punished twice for the same offence". Applying the analogy of law enacted in the aforesaid section, it is concluded that the claimant cannot be punished twice for the misconduct of engaging himself in business of money lending, outside the scope of his duties, terming it to be a separate misconduct of doing acts prejudicial to the interest of the bank.

34. Now the Tribunal would undertake the exercise of awarding punishment to the claimant. As referred above, the bank awarded punishment of bringing him down to a lower stage in scale of pay by two stages and further multiplied it with "for a period of four years with cumulative effect". In my considered opinion, the first part of the punishment would meet the ends of justice. Therefore punishment of bringing the claimant down to a lower stage in the scale of pay by two stages is awarded to the claimant, which punishment would relate back to 30.11.2007, the date on which punishment was awarded to him by the bank. An award is accordingly passed.

Dated: 03-11-2011

Dr. R.K. YADAV, Presiding Officer

नई दिल्ली, 25 नवम्बर, 2011

का.आ.3721.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार यूनियन बैंक ऑफ इंडिया के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, हैदराबाद के पंचाट (संदर्भ संख्या एलसी. सं. 158/2002) को प्रकाशित करती है जो केन्द्रीय सरकार को 21-09-2011 को प्राप्त हुआ था।

[सं. एल-39025/1/2010-आई आर (बी-II)]
शीश राम, अनुभाग अधिकारी

New Delhi, the 25th November, 2011

S.O.3721.—In pursuance of Section 17 of the Industrial Disputes Act, 1947, the Central Government hereby publishes the Award (*Ref. LC No. 158/2002*) of the Central Government Industrial Tribunal/Labour Court, **HYDERABAD** now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of **UNION BANK OF INDIA** and their workman, which was received by the Central Government on 21/09/2011.

[No. L-39025/1/2010-IR(B-II)]

SHLESH RAM, Section Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT AT HYDERABAD

Present:— **Shri Ved Prakash Gaur**
Presiding Officer

Dated the 27th day of July, 2011

INDUSTRIAL DISPUTE L.C. No. 158/2002

Between:

Smt. Cidaga Ramanamma,
W/o C. Raju,
D. No. 50-73-19, Seethanmapeta,
Visakhapatnam.

.....Petitioner

AND

1. The Regional Manager,
Union Bank of India,
Visakhapatnam.

2. The Branch Manager,
Union Bank of India,
Visakhapatnam.

.....Respondents

Appearances:

For the Petitioner : M/s. L. Krishna & N. Vasant Kumar,
Advocates

For the Respondent : M/s. M.N. Aditya &
D. Nagabhushana Rao,
Advocates

AWARD

This petition under Sec. 2 A (2) of the I.D. Act, 1947 has been filed by Smt. C. Ramanamma alleged ex. employee of Union Bank of India for setting aside her dismissal order and to take her back into service with full back wages.

2. It has been alleged by the Petitioner workman that he was engaged by Union Bank of India, SSI branch on 22.3.1995 as attender and she was discharging her duties without blemishlessness to the satisfaction of her superiors at Dwarakanagar branch, later on she was transferred to SSI branch near Apsara Road, Opp: Vaartha Daily Newspaper, Visakhapatnam. The Management some time entrusted to Petitioner to purchase stationery from Goutham Books & Stationery Shop through the applicant and bank management used to pay necessary charges.

3. Initially the Petitioner was getting Rs. 25/- per day which was enhanced to Rs. 900/- PM and lastly she was drawing Rs. 1500/- PM. In May, 2000 when Petitioner went to bank to perform her duty she was called into the chamber of the Manager who asked her not to do work as there is no sufficient work to be performed by the Petitioner. He also told that whenever work is available Petitioner will be called for the job. The Petitioner continuously served in the bank from 1995 till May, 2000 and she was paid through the casual vouchers. After repeated requests Respondent management has not engaged Petitioner as assured by them. Hence, the Petitioner is forced to file this petition with request to direct the Respondent to re-engage Petitioner with back wages.

4. Respondent bank has filed counter statement wherein they have alleged that at no point of time, the Petitioner was engaged as attender in the bank. The bank management is a public sector undertaking and recruitment, appointment and deployment of the staff are governed strictly by various norms/guidelines/directives issued by the Government of India in this regard in respect of all cadres of the employees. In respect of the category of peons, Hamalis, sweepers, drivers etc., the guidelines are that recruitment order be made indenting all vacancies with the Employment Exchange, who used to sponsor the candidates registered with them based on the requirement of the indenting public sector undertakings. After adhering to the laid down procedure of the interview, medical tests etc., such candidates are recruited and deployed to fulfill the requirement of the bank. No public sector banks are permitted to engage workman on their own without adhering to the norms laid down by the Central Government.

5. It has further been alleged that the claimant by raising this dispute wants to gain a back door entry into public sector undertaking bypassing the recruitment procedure laid down by Central Government. They have further asserted that Hon'ble Supreme Court of India has recognized the aforesaid fact and has held that such attempts to gain back door entry seeking protection under the provision of the labour laws should not be allowed and should be discouraged. In the matter of *Himanshu Kumar Vidyarthi Vs. State of Bihar* (119 II LLJ 15), the Hon'ble Supreme Court has held that when appointments are regulated by Statutory rules, the concept of 'industry' to that extent stand excluded. More over, Disengagement of casual labour on daily wages or daily wage workers does not constitute as retrenchment. As held by Hon'ble Supreme Court in the case of *Municipal Corporation, Bilsapur, Vs. Veerisingh Rajput and others* the Hon'ble Supreme Court has held that regularization of the muster roll casual labours was contrary to the Administration instructions as initial appointment itself was irregular.

6. It has further been alleged that there is no post like attender in the bank as such, the claim of the Petitioner that she worked as attender is untenable. More over, Branch Manager has no power to appoint any person as such, the claim of the Petitioner that she was appointed by Branch Manager in untenable. The claimant has worked in the bank for 26 days in July, 1996, 26 days in August, 1996 only. When there was work or extra work the Petitioner was engaged as casual worker and not a regular worker. Hence, she can not claim regularization in the service nor she was entitled for regularization or absorption in that post.

7. Parties were directed to produce their evidence. Petitioner workman has filed her affidavit as her examination in chief and presented herself for cross examination and has been cross examined at length by Respondent management. She has filed xerox copies of cash payment vouchers and xerox copies of delivery challans, and copy of her representations dated 22.5.2000 and 6.7.2000. The management has filed affidavit of Mr. Matta Babu, Manager Personnel of Respondent bank and produced him for cross examination and he has been crossexamined at length.

8. The case remained pending for several dates for argument. But Petitioner worker or her counsel did not participate in the argument proceedings. Finally, the Respondent's counsel filed his written arguments and made oral submissions as well.

9. I have considered the argument of Respondent's counsel. Pleas raised by the Petitioner workman in her claim statement and her evidence before this Tribunal. This Tribunal has to consider,

(II) Whether the Petitioner workman is entitled for any relief as claimed by her?

10. **Point No. (I):** Petitioner claimed that she was appointed by Branch Manager on 22.3.1995 and she worked upto May, 2000 regularly as attender. In the year 2000, in the month of May, she was called in the office of the Branch Manager and asked to stop the work and not to come from next day. This material fact is denied by the Respondent management alleging in their counter statement that at no point of time Petitioner was engaged or employed as attender with bank management. However, they have stated that Petitioner has worked for 26 days in July, 1996 and 26 days in August, 1996 when there was work available with the management and that was purely casual on daily wage basis. The petitioner has also admitted in her claim statement that initially she was getting Rs. 25 per day and later on her pay was raised to Rs. 900/- PM and lastly Rs. 1500/- PM. However, the Petitioner has not been able to produce any appointment order or termination order as claimed by her. In her cross examination before this Tribunal she had admitted that no interview was conducted by the bank nor the Petitioner was sponsored by the Employment Exchange. This prove that Petitioner was neither appointed through establishment rules of recruitment of the bank as stated by the management that the names of the candidates are called for from the Employment Exchange and Employment Exchange sponsored the name of those candidates who are registered with them. In the present case the Petitioner was not sponsored by the Employment Exchange nor any interview was conducted by the bank. She was simply asked to work and as per her own contention she used to get Rs. 25/- per day in the starting period. This itself prove that the Petitioner was a daily wage or casual employee. She has not been able to produce single piece of paper to prove that she was employed as attender. As per her own cash payment vouchers documents, she has signed against receipt of Rs. 6000/- on 9.7.1996, against receipt of Rs. 780/- on 5.8.1996, on 7.8.1996 for Rs. 555/-, receipts in March, 1997 she has signed against receipts of Rs. 2502/-, on 16.10.1998 she has signed against receipt of Rs. 196/-. On what account or for what purpose this money was given to the Petitioner is not clear because no employee could be paid twice a month as shown in the month of August, 1996 that Petitioner has received money twice i.e., on 7.8.1996 and 5.8.1996. On one occasion she has received Rs. 2502/- and later on she has received Rs. 11328/- on other day, which can not be the monthly wage of the Petitioner because no where she has stated the her monthly pay was Rs. 11000/- as mentioned in the payment voucher. Thus, the document produce by the Petitioner does not prove that Petitioner was paid her wages through the payment vouchers. It appears that the amount was paid to the Petitioner for some other purposes and that support the contention of the Petitioner that she used to purchase stationery for the bank from M/s. Goutham Books & Stationery shop. Worker has produced delivery challans

(I) Whether the action of the management in non-absorption of Petitioner and disengagement of Petitioner from service in May, 2000 is legal and justified or not?

of the Goutham Books & Stationery. This prove that Petitioner was engaged by the bank management when there was work available with them for making certain purchases for stationery of the bank. On basis of those documents Petitioner can not be said to be legally and validly appointed by the bank management and if the initial appointment of a person is illegal and he has terminated or disengaged from the service then he can not challenge the termination or disengagement order before any Court or Tribunal. This principle is categorically laid down by Hon'ble Supreme Court in the matter of Secretary, State of Karnataka and Others vs. Umadevi and others wherein Hon'ble Supreme Court has held that "Public employment in a sovereign socialist secular democratic republic, has to be as set down by the Constitution and the laws made thereunder. Our constitutional scheme envisages employment by the Government and its instrumentalities on the basis of a procedure established in that behalf. Equality of opportunity is the hallmark, and the Constitution has provided also for affirmative action to ensure that unequals are not treated equals. Thus, any public employment has to be in terms of the constitutional scheme. There may be instances where workers may be engaged on daily wages for temporary work but a regular process of recruitment or appointment has to be resorted to. When regular vacancy in the post at a particular point of time are to be filled up and the filling of those vacancies can not be done in a haphazard manner or based on patronage or other considerations. Regular appointment must be the rule. Hon'ble Supreme Court of India has further held that if a person has entered in public services from back door and if he is dismissed from service he can not seek redressal from court for the quashment of said termination order because his initial appointment was itself illegal and without following the principles of procedure of the recruitment rules. In this case as per claim statement and statement of the Petitioner worker it is established that Petitioner was not appointed through regular process of recruitment. Her initial engagement itself is illegal as such, in light of the case law and pronouncement made Umadevi Vs. State of Karnataka and others case Petitioner can not challenge the action of disengagement by the management.

11. From Petitioner's side it has also been stated that Petitioner was not paid retrenchment compensation as provided in Sec. 25F of Industrial Disputes Act, 1947 wherein it is proved that if a worker has worked for 240 days, her retrenchment from the service with payment of compensation is violative of provisions of Sec. 25F of the Industrial Disputes Act, 1947.

12. I have gone through the Sec. 25F of the Industrial Disputes Act, 1947 wherein it states that, if a workman during a period of 12 calendar months preceding date of the retrenchment has actually worked under the employer for 240 days he could be deemed to be in continuous service and he can not be terminated without payment of

retrenchment compensation. In the present case the Petitioner has not been able to produce a single piece of paper to substantiate her contention that she has worked continuously for a period of 240 days in preceding year of her retrenchment, i.e., in the year 1999 as such, the provision of Sec. 25F of the Industrial Disputes Act, 1947 is not applicable in the present case. The Petitioner has not been able to make out the case under Sec. 25F of the Industrial Disputes Act, 1947 and she is not entitled for any retrenchment compensation, her disengagement without payment of retrenchment compensation is not illegal.

13. From the discussion above, this Tribunal is of the considered opinion that the Petitioner entered into service of the management as casual or daily wage worker without following the prescribed procedure of recruitment to Category D employment in the bank, which is a public sector undertaking of Government of India for limited performance and worked when there was work available with the management. Petitioner was neither engaged as regular worker nor she worked as regular worker as such, her disengagement can not be said to be illegal or invalid or against the provisions of Industrial Disputes Act, 1947. The action of the management can not be said to be arbitrary, illegal or unjustified. Point No. (I) is decided accordingly.

14. Point No. (II): The Petitioner worker has not been able to prove that her disengagement by the management is illegal or unjustified as such, I find that Petitioner is not entitled for any relief. Point No. II is decided accordingly.

15. From the above discussion, this tribunal comes to the conclusion that the disengagement of the Petitioner is legal and justified and he is not entitled for any relief and petition deserves to be dismissed. Hence, this award.

Award passed accordingly. Transmit.

Dictated to Smt. P. Phani Gowri, Personal Assistant transcribed by her corrected by me on this the 27th day of July, 2011.

VED PRAKASH GAUR, Presiding Officer
APPENDIX OF EVIDENCE

Witnesses examined for the Petitioner NIL	Witnesses examined for the Respondent NIL
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DOCUMENTS MARKED FOR THE PETITIONER

NIL

DOCUMENTS MARKED FOR THE RESPONDENT

NIL

नई दिल्ली, 25 नवम्बर, 2011

का. आ. 3722.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स इन्द्रप्रस्था गैस लिमिटेड, दिल्ली एवं एल्फ

इन्टरप्राइजेज, दिल्ली के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिकअधिकरण/श्रम न्यायालय नं० 1, दिल्ली के पंचाट (संदर्भ संख्या 318/2011) को प्रकाशित करती है जो केन्द्रीय सरकार को 11/11/11 को प्राप्त हुआ था।

[फॉर्स एल-15025/1/2011-आईआर (एम)]
जोहन तोपनो, अवर सचिव।

New Delhi, the 25th November, 2011

S.O. 3722.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No.318/2011.....) of the Central Government Industrial Tribunal/Labour Court No. 1, Delhi now as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of M/s Inderprastha Gas Limited, New Delhi and M/s Alpha Enterprises, New Delhi and their workman, which was received by the Central Government on 11/11/2011.

[F.No. L-15025/1/2011-IR (M)]
JOHAN TOPNO, Under Secretary.

ANNEXURE

**BEFORE DR. R.K. YADAV, PRESIDING OFFICER,
CENTRAL GOVT. INDUSTRIAL TRIBUNAL NO. 1,
KARKARDOOMA COURTS COMPLEX, DELHI**

I.D. No. 318/2011.

Shri Rajesh Kaushik
S/o Late Shri Dinesh Chandra Kaushik,
R/o Navipur Kalan, Kaushik Gali,
Hathrash, U.P.-204101.

Workman

Versus

1. M/s Indeprastha Gas Limited,
IGL Bhawan, Flat No. 4,
Community Centre, Sector-9,
R.K. Puram, New Delhi.
2. M/s Alpha Enterprises
Through Proprietor
Col. Janak Kapoor,
R-835, New Rajindra Nagar,
New Delhi-110060.

Management

AWARD

Rajesh Kaushik was engaged as a DSM with effect from 28.04.02 by Inderprastha Gas Limited through the Contractor, namely, M/s Alpha Enterprises. He served there till 6.10.2010. On 16.1.09 his signatures were allegedly obtained on some blank papers. He raised an industrial dispute before the Conciliation Officer. Subsequently, he

was suspended and charge-sheeted. An enquiry was constituted. The enquiry was not fair and proper, projects the claimant. Ultimately he was dismissed *vide* letter dated 6.10.2010. He claims that his services were done away in violation of the provision of Industrial Disputes Act, 1947 (in short the Act). Demand notice dated 27.9.11 was sent. On these facts the claimant filed an industrial dispute before this Tribunal under section 2A of the Act, without being referred for adjudication by the appropriate Government under section 10(1) (d) of the Act.

2. Sh. Puneet Saini was heard over the matter. He concedes that dispute was not raised before the Conciliation Officer in relation to dismissal of the claimant. It emerged over the record that after his dismissal, the claimant had sent a demand notice on 27.9.11, which is precursory step for raising an industrial dispute before the Conciliation Officer. In the claim statement it has been projected that an industrial dispute was raised before the Conciliation Officer and during the pendency of the said dispute the claimant was suspended on 19.1.09. The claim statement nowhere explain as to what was the fate of the said dispute. Admittedly the claimant was suspended and charge-sheeted thereafter. An enquiry was conducted and he was dismissed on 6.10.10. It is evident that the dispute, referred above, does not relate to the dismissal order dated 6.10.10.

3. Provisions of the section 2A of the Act were amended by the Parliament *vide* Act No. 24 of 2010 and sub section (2) and (3) of the said section were inserted which become effective on 15.9.10. Sub section (2) of section 2A authorizes a workman to file his dispute before this Tribunal, without being referred for adjudication by the appropriate Government under section 10(1) (d) of the Act, after expiry of 45 days from the date he made an application to the Conciliation Officer for conciliation of the dispute. Therefore for invoking the provisions of section 2A of the Act, a workman who has been discharged, dismissed, retrenched, or otherwise terminated from his service may raise an industrial dispute directly, without being referred for adjudication by the appropriate Government. But that right had been subjected to conditions, which are as follows:

- (i) The claimant have to raise an industrial dispute before the Conciliation Officer and a period of 45 days should have expired from the date he made the applicaton before the Conciliation Officer, and
- (ii) The applicaton should have been moved before the Tribunal before expiry of three years from the date of discharge, dismissal, retrenchment, or otherwise termination of service, as specified in sub section (1) of section 2A of the Act.

4. The conditions detailed above are mandatory. Non compliance of above conditions would either bar the jurisdiction, or would not give jurisdiction to the Tribunal to entertain the dispute. Since no dispute was raised before

the Conciliation Officer in relation to dismissal of the claimant, as contemplated by sub-section (2) of section 2A of the Act, the Tribunal cannot invoke its jurisdiction over the matter. For want of jurisdiction, the dispute cannot be entertained. It is, accordingly, dismissed being premature. An award is, passed. It be sent to the appropriate Government for publication.

Dr. R.K. YADAV, Presiding Officer

नई दिल्ली, 25 नवम्बर, 2011

का.आ. 3723.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स इन्ड्रप्रस्था गैस लिमिटेड दिल्ली एवं एल्फा इन्टरप्राइजेज दिल्ली के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय के 1 दिल्ली के पंचाट (संदर्भ संख्या 317/2011) को प्रकाशित करती है जो केन्द्रीय सरकार को 11/11/2011 को प्राप्त हुआ था।

[फाइल सं. एल-15025/1/2011-आईआर (एम)]

जोहन तोपनो, अवर सचिव

New Delhi, the 25th November, 2011

S.O. 3723.—in pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No.317/2011.....) of the Central Government Industrial Tribunal/Labour Court No. 1 Delhi now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s Inderprastha Gas Limited New Delhi and M/s Alpha Enterprises New Delhi and their workman, which was received by the Central Government on 11-11-2011.

[F.No. L-15025/1/2011-IR(M)]

JOHAN TOPNO, Under Secretary

ANNEXURE

BEFORE DR. R.K. YADAV, PRESIDING OFFICER,
CENTRAL GOVT. INDUSTRIAL TRIBUNAL NO. 1,
KARKARDOOMA COURTS COMPLEX, DELHI

I.D. No. 317/2011.

Shri Surender Sharma
S/o Late Sh. Pratap Singh,
R/o C-68, Sainik Nagar,
Uttam Nagar,
New Delhi-110059.

Workman

Versus

1. M/s Inderprastha Gas Limited,
IGL Bhawan, Flat No. 4,
Community Centre, Sector-9,
R.K. Puram, New Delhi.

2. M/s Alpha Enterprises
Through Proprietor
Col. Janak Kapoor,
R-835, New Rajindra Nagar,
New Delhi-110060.

Management

AWARD

Surender Sharma was engaged as a DSM with effect from 03.09.07 by Inderprastha Gas Limited through the Contractor, namely, M/s Alpha Enterprises. He served there till 06.10.2010. On 16.1.09 his signatures were allegedly obtained on some blank papers. He raised an industrial dispute before the Conciliation Officer. Subsequently, he was suspended and charge-sheeted. An enquiry was constituted. The enquiry was not fair and proper, projects the claimant. Ultimately he was dismissed *vide* letter dated 06.10.2010. He claims that his services were done away in violation of the provision of Industrial Disputes Act, 1947 (in short the Act). Demand notice dated 27.9.11 was sent. On these facts the claimant filed an industrial dispute before this Tribunal under section 2A of the Act, without being referred for adjudication by the appropriate Government under section 10(1) (d) of the Act.

2. Sh. Puneet Saini was heard over the matter. He concedes that dispute was not raised before the Conciliation Officer in relation to dismissal of the claimant. It emerged over the record that after his dismissal, the claimant had sent a demand notice on 27.9.11, which is pre-cursory step for raising an industrial dispute before the Conciliation Officer. In the claim statement it has been projected that an industrial dispute was raised before the Conciliation Officer and during the pendency of the said dispute the claimant was suspended on 19.1.09. The claim statement nowhere explain as to what was the fate of the said dispute. Admittedly the claimant was suspended and charge-sheeted thereafter. An enquiry was conducted and he was dismissed on 6.10.10. It is evident that the dispute, referred above, does not relate to the dismissal order dated 6.10.10.

3. Provisions of section 2A of the Act were amended by the Parliament *vide* Act No. 24 of 2010 and sub sections (2) and (3) of the said section were inserted which become effective on 15.9.10. Sub-section (2) of section 2A authorizes a workman to file his dispute before this Tribunal, without being referred for adjudication by the Appropriate Government under section 10(1) (d) of the Act, after expiry of 45 days from the date he made an application to the Conciliation Officer for conciliation of the dispute. Therefore for invoking the provisions of section 2A of the Act, a workman who has been discharged, dismissed, retrenched, or otherwise terminated from his service may raise an industrial dispute directly, without being referred for

adjudication by the appropriate Government. But that right had been subjected to conditions, which are as follows:

- (i) The claimant have to raise an industrial dispute before the Conciliation Officer and a period of 45 days should have expired from the date he made the application before the Conciliation Officer, and
- (ii) The application should have been moved before the Tribunal before expiry of three years from the date of discharge, dismissal, retrenchment, or otherwise termination of service, as specified in sub section (1) of section 2A of the Act:

4. The conditions detailed above are mandatory. Non compliance of above conditions would either bar the jurisdiction, or would not give jurisdiction to the Tribunal to entertain the dispute. Since no dispute was raised before the Conciliation Officer in relation to dismissal of the claimant, as contemplated by sub- section (2) of section 2A of the Act, the Tribunal cannot invoke its jurisdiction over the matter. For want of jurisdiction, the dispute cannot be entertained. It is, accordingly, dismissed being premature. An award is, passed. It be sent to the appropriate Government for publication.

Dr. R.K. YADAV, Presiding Officer

नई दिल्ली, 25 नवम्बर, 2011

का.आ. 3724.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स इन्द्रप्रस्था गैस लिमिटेड, दिल्ली एवं एस्पा इन्टरप्राइजेज दिल्ली के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं 1 दिल्ली के पंचाट (संदर्भ संख्या 316/2011) को प्रकाशित करती है जो केन्द्रीय सरकार को 11/11/2011 को प्राप्त हुआ था।

[फाइल सं. एल-15025/1/2011-आईआर (एम)]
जोहन तोपनो, अवसर सचिव

New Delhi, the 25th November, 2011

S.O. 3724.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No.316/2011.....) of the Central Government Industrial Tribunal/Labour Court No. 1 Delhi now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s Inderprastha Gas Limited New Delhi and M/s Alpha Enterprises New Delhi and their workman, which was received by the Central Government on 11-11-2011.

[F.No. L-15025/1/2011-IR(M)]
JOHAN TOPNO, Under Secretary

ANNEXURE

**BEFORE DR. R.K. YADAV, PRESIDING OFFICER,
CENTRAL GOVT. INDUSTRIAL TRIBUNAL NO. 1,
KARKARDOOMA COURTS COMPLEX, DELHI**

I.D. NO. 316/2011.

Shri Dinesh Kumar Rana
S/o Late Shri Chandra Singh Rana,
R/o H.No. 5, Gali No. 6,
Vashisth Enclav, Near Baba Colony,
Burari, Delhi-110084.

Workman

Versus

1. M/s Inderprastha Gas Limited,
IGL Bhawan, Flat No. 4,
Community Centre, Sector-9,
R.K. Puram, New Delhi.
2. M/s Alpha Enterprises
Through Proprietor
Col. Janak Kapoor,
R-835, New Rajindra Nagar,
New Delhi-110060.

Management

AWARD

Dinesh Kumar Rana was engaged as a DSM with effect from 22.10.01 by Inderprastha Gas Limited through the Contractor, namely, M/s Alpha Enterprises. He served there till 6.10.2010. On 16.1.09 his signatures were allegedly obtained on some blank papers. He raised an industrial dispute before the Conciliation Officer. Subsequently, he was suspended and charge-sheeted. An enquiry was constituted. The enquiry was not fair and proper, projects the claimant. Ultimately he was dismissed vide letter dated 6.10.2010. He claims that his services were done away in violation of the provision of Industrial Disputes Act, 1947 (in short the Act). Demand notice dated 27.9.11 was sent. On these facts the claimant filed an industrial dispute before this Tribunal under section 2A of the Act, without being referred for adjudication by the appropriate Government under section 10 (1) (d) of the Act.

2. Sh. Puneet Saini was heard over the matter. He concedes that dispute was not raised before the Conciliation Officer in relation to dismissal of the claimant. It emerged over the record that after his dismissal, the claimant had sent a demand notice on 27.9.11, which is pre-cursory step for raising an industrial dispute before the Conciliation Officer. In the claim statement it has been projected that an industrial dispute was raised before the Conciliation Officer and during the pendency of the said dispute the claimant was suspended on 19.1.09. The claim statement nowhere explain as to what was the fate of the said dispute. Admittedly the claimant was suspended and charge-sheeted thereafter. An enquiry was conducted and

he was dismissed on 6.10.10. It is evident that the dispute, referred above, does not relate to the dismissal order dated 6.10.10.

3. Provisions of section 2A of the Act were amended by the Parliament *vide* Act No. 24 of 2010 and sub sections (2) and (3) of the said section were inserted which become effective on 15.9.10. Sub section (2) of section 2A authorizes a workman to file his dispute before this Tribunal, without being referred for adjudication by the appropriate Government under section 10 (1) (d) of the Act, after expiry of 45 days from the date he made an application to the Conciliation Officer for conciliation of the dispute. Therefore for invoking the provisions of section 2A of the Act, a workman who has been discharged, dismissed, retrenched, or otherwise terminated from his service may raise an industrial dispute directly, without being referred for adjudication by the appropriate Government. But that right had been subjected to conditions, which are as follows:

- (i) The claimant have to raise an industrial dispute before the Conciliation Officer and a period of 45 days should have expired from the date he made the application before the Conciliation Officer, and
- (ii) The application should have been moved before the Tribunal before expiry of three years from the date of discharge, dismissal, retrenchment, or otherwise termination of service, as specified in sub section (1) of section 2A of the Act.

4. The conditions detailed above are mandatory. Non compliance of above conditions would either bar the jurisdiction, or would not give jurisdiction to the Tribunal to entertain the dispute. Since no dispute was raised before the Conciliation Officer in relation to dismissal of the claimant, as contemplated by sub-section (2) of section 2A of the Act, the Tribunal cannot invoke its jurisdiction over the matter for want of jurisdiction, the dispute cannot be entertained. It is, accordingly, dismissed being premature. An award is, passed. It be sent to the appropriate Government for publication.

Dr. R.K. YADAV, Presiding Officer.

नई दिल्ली, 25 नवम्बर, 2011

का.सं. 3725.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) के धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स इन्टरप्रास्था गैस लिमिटेड दिल्ली एवं एल्फा इन्टरप्राइजेज दिल्ली के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय के 1 दिल्ली के पंचाट (संदर्भ संख्या 315/2011) को प्रकाशित करती है जो केन्द्रीय सरकार को 11/11/2011 को प्राप्त हुआ था।

[फा० सं० एल-15025/1/2011-आई आर (एम)]
जोहन तोपनो, अवर सचिव

New Delhi, the 25th November, 2011

S.O. 3725.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No.....315/2011.....) of the Central Government Industrial Tribunal/Labour Court No.-1 Delhi now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s Inderprastha Gas Limited, New Delhi and M/s Alpha Enterprises, New Delhi and their workman, which was received by the Central Government on 11.11.2011.

[F. No. L-15025/1/2011-IR(M)]
JOHAN TOPNO, Under Secretary

ANNEXURE

**BEFORE DR. R.K. YADAV, PRESIDING OFFICER,
CENTRAL GOVT. INDUSTRIAL TRIBUNAL NO. 1,
KARKARDOOMA COURTS COMPLEX, DELHI**

I.D. NO. 315/2011.

Shri Raman Sharma
S/o Late Shri Pratap Singh,
R/o C-68, Sainik Nagar,
Uttam Nagar, New Delhi-59.

Workman

Versus

1. M/s Inderprastha Gas Limited,
IGL Bhawan, Flat No. 4,
Community Centre, Sector-9,
R.K. Puram, New Delhi.
2. M/s Alpha Enterprises
Through Proprietor
Col. Janak Kapoor,
R-835, New Rajindra Nagar,
New Delhi-110060.

Management

AWARD

Raman Sharma was engaged as a DSM with effect from 15.07.02 by Inderprastha Gas Limited through the Contractor, namely, M/s Alpha Enterprises. He served there till 6.10.2010. On 16.1.09 his signatures were allegedly obtained on some blank papers. He raised an industrial dispute before the Conciliation Officer. Subsequently, he was suspended and charge-sheeted. An enquiry was constituted. The enquiry was not fair and proper, projects the claimant. Ultimately he was dismissed *vide* letter dated 6.10.2010. He claims that his services were done away in violation of the provision of Industrial Disputes Act, 1947 (in short the Act). Demand notice dated 27.9.11 was sent. On these facts the claimant filed an industrial dispute before this Tribunal under section 2A of the Act, without being

referred for adjudication by the appropriate Government under section 10 (1) (d) of the Act.

2. Sh. Puneet Saini was heard over the matter. He concedes that dispute was not raised before the Conciliation Officer in relation to dismissal of the claimant. It emerged over the record that after his dismissal, the claimant had sent a demand notice on 27.9.11, which is pre-cursory step for raising an industrial dispute before the Conciliation Officer. In the claim statement it has been projected that an industrial dispute was raised before the Conciliation Officer and during the pendency of the said dispute the claimant was suspended on 19.1.09. The claim statement nowhere explain as to what was the fate of the said dispute. Admittedly the claimant was suspended and charge-sheeted thereafter. An enquiry was conducted and he was dismissed on 6.10.10. It is evident that the dispute, referred above, does not relate to the dismissal order dated 6.10.10.

3. Provisions of section 2A of the Act were amended by the Parliament vide Act No. 24 of 2010 and sub sections (2) and (3) of the said section were inserted which become effective on 15.9.10. Sub section (2) of section 2A authorizes a workman to file his dispute before this Tribunal, without being referred for adjudication by the appropriate Government under section 10 (1) (d) of the Act, after expiry of 45 days from the date he made an application to the Conciliation Officer for conciliation of the dispute. Therefore for invoking the provisions of section 2A of the Act, a workman who has been discharged, dismissed, retrenched, or otherwise terminated from his service may raise an industrial dispute directly, without being referred for adjudication by the appropriate Government. But that right had been subjected to conditions, which are as follows:

- (i) The claimant have to raise an industrial dispute before the Conciliation Officer and a period of 45 days should have expired from the date he made the application before the Conciliation Officer, and
- (ii) The application should have been moved before the Tribunal before expiry of three years from the date of discharge, dismissal, retrenchment, or otherwise termination of service, as specified in sub section (1) of section 2A of the Act.

4. The conditions detailed above are mandatory. Non compliance of above conditions would either bar the jurisdiction, or would not give jurisdiction to the Tribunal to entertain the dispute. Since no dispute was raised before the Conciliation Officer in relation to dismissal of the claimant, as contemplated by sub-section (2) of section 2A of the Act, the Tribunal cannot invoke its jurisdiction over the matter. For want of jurisdiction, the dispute cannot be entertained. It is, accordingly, dismissed being premature. An award is, passed. It be sent to the appropriate Government for publication.

Dr. R.K. YADAV, Presiding Officer

नई दिल्ली, 25 नवम्बर, 2011

का.आ. 3726.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स इन्द्रप्रस्था गैस लिमिटेड दिल्ली एवं एल्फा इन्टरप्राइजेज दिल्ली के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय के 1 दिल्ली के पंचाट (संदर्भ संख्या 314/2011) को प्रकाशित करती है जो केन्द्रीय सरकार को 11/11/2011 को प्राप्त हुआ था।

[फं सं एल-15025/1/2011-आई आर (एम)]
जोहन तोपनो, अवर सचिव

New Delhi, the 25th November, 2011

S.O. 3726.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No.314/2011.....) of the Central Government Industrial Tribunal/Labour Court No.-1 Delhi now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s Inderprastha Gas Limited, New Delhi and M/s Alpha Enterprises, New Delhi and their workman, which was received by the Central Government on 11.11.2011.

[F.No. L-15025/1/2011-IR(M)]
JOHAN TOPNO, Under Secretary

ANNEXURE

**BEFORE DR. R.K. YADAV, PRESIDING OFFICER,
CENTRAL GOVT. INDUSTRIAL TRIBUNAL NO. 1,
KARKARDOOMA COURTS COMPLEX, DELHI**

L.D. NO. 314/2011.

Shri Ram Autar Singh
S/o Shri Inder Singh,
R/o Vill. & P.O. Hidayatpur,
Distt. Bijnor,
U.P.-246722.

Workman

Versus

1. M/s Inderprastha Gas Limited,
IGL Bhawan, Flat No. 4,
Community Centre, Sector-9,
R.K. Puram, New Delhi.
2. M/s Alpha Enterprises
Through Proprietor
Col. Janak Kapoor.
R-835, New Rajindra Nagar,
New Delhi-110060.

51/11/2011

AWARD

Ram Autar Singh was engaged as a Technician with effect from 25.07.99 by Inderprastha Gas Limited through the Contractor, namely, M/s Alpha Enterprises. He served there till 6.10.2010. On 16.1.09 his signatures were allegedly obtained on some blank papers. He raised an industrial dispute before the Conciliation Officer. Subsequently, he was suspended and charge-sheeted. An enquiry was constituted. The enquiry was not fair and proper, projects the claimant. Ultimately he was dismissed *vide* letter dated 6.10.2010. He claims that his services were done away in violation of the provision of Industrial Disputes Act, 1947 (in short the Act). Demand notice dated 27.9.11 was sent. On these facts the claimant filed an industrial dispute before this Tribunal under section 2A of the Act, without being referred for adjudication by the appropriate Government under section 10 (1) (d) of the Act.

2. Sh. Puneet Saini was heard over the matter. He concedes that dispute was not raised before the Conciliation Officer in relation to dismissal of the claimant. It emerged over the record that after his dismissal, the claimant had sent a demand notice on 27.9.11, which is pre-cursory step for raising an industrial dispute before the Conciliation Officer. In the claim statement it has been projected that an industrial dispute was raised before the Conciliation Officer and during the pendency of the said dispute the claimant was suspended on 19.1.09. The claim statement nowhere explain as to what was the fate of the said dispute. Admittedly the claimant was suspended and charge-sheeted thereafter. An enquiry was conducted and he was dismissed on 6.10.10. It is evident that the dispute, referred above, does not relate to the dismissal order dated 6.10.10.

3. Provisions of section 2A of the Act were amended by the Parliament *vide* Act No. 24 of 2010 and sub sections (2) and (3) of the said section were inserted which become effective on 15.9.10. Sub section (2) of section 2A authorizes a workman to file his dispute before this Tribunal, without being referred for adjudication by the appropriate Government under section 10 (1) (d) of the Act, after expiry of 45 days from the date he made an application to the Conciliation Officer for conciliation of the dispute. Therefore for invoking the provisions of section 2A of the Act, a workman who has been discharged, dismissed, retrenched, or otherwise terminated from his service may raise an industrial dispute directly, without being referred for adjudication by the appropriate Government. But that right had been subjected to conditions, which are as follows:

- (ii) The application should have been moved before the Tribunal before expiry of three years from the date of discharge, dismissal, retrenchment, or otherwise termination of service, as specified in sub section (1) of section 2A of the Act.

4. The conditions detailed above are mandatory. Non compliance of above conditions would either bar the jurisdiction, or would not give jurisdiction to the Tribunal to entertain the dispute. Since no dispute was raised before the Conciliation Officer in relation to dismissal of the claimant, as contemplated by sub-section (2) of section 2A of the Act, the Tribunal cannot invoke its jurisdiction over the matter. For want of jurisdiction, the dispute cannot be entertained. It is, accordingly, dismissed being premature. An award is, passed. It be sent to the appropriate Government for publication.

Dr. R.K. YADAV, Presiding Officer.

नई दिल्ली, 25 नवम्बर, 2011

का.आ. 3727.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स इन्द्रप्रस्था गैस लिमिटेड दिल्ली एवं एल्फा इन्टरप्राइजेज दिल्ली के प्रबंधन के संबंध निर्योजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. 1 दिल्ली के पंचाट (संदर्भ संख्या 313/2011) को प्रकाशित करती है जो केन्द्रीय सरकार को 11/11/2011 को प्राप्त हुआ था।

[फा. सं. एल-15025/1/2011-आई आर (एम)]
जोहन तोपनो, अवर सचिव

New Delhi, the 25th November, 2011

S.O. 3727.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No.....313/2011.....) of the Central Government Industrial Tribunal/Labour Court No.-1 Delhi now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. Inderprastha Gas Limited, New Delhi and M/s. Alpha Enterprises, New Delhi and their workman, which was received by the Central Government on 11.11.2011.

[F. No. L-15025/1/2011-IR(M)]
JOHAN TOPNO, Under Secretary

ANNEXURE

**BEFORE DR. R.K. YADAV, PRESIDING OFFICER,
CENTRAL GOVT. INDUSTRIAL TRIBUNAL NO. 1,
KARKARDOOMA COURTS COMPLEX, DELHI**

I.D. NO. 313/2011.

Shri Manoj Kumar
S/o Shri Jagbir Singh,

- (i) The claimant have to raise an industrial dispute before the Conciliation Officer and a period of 45 days should have expired from the date he made the application before the Conciliation Officer, and

R/o Vill. & P.O. Upera,
Distt. Ghaziabad, U.P.

Workman

Versus

1. M/s. Inderprastha Gas Limited,
IGL Bhawan, Flat No. 4,
Community Centre, Sector-9,
R.K. Puram, New Delhi.
2. M/s. Alpha Enterprises
Through Proprietor
Col. Janak Kapoor,
R-835, New Rajindra Nagar,
New Delhi-110060.

Management

AWARD

Manoj Kumar was engaged as a Technician with effect from 28.7.2000 by Inderprastha Gas Limited through the Contractor, namely, M/s. Alpha Enterprises. He served there till 6.10.2010. On 16.1.09 his signatures were allegedly obtained on some blank papers. He raised an industrial dispute before the Conciliation Officer. Subsequently, he was suspended and charge-sheeted. An enquiry was constituted. The enquiry was not fair and proper, projects the claimant. Ultimately he was dismissed *vide* letter dated 6.10.2010. He claims that his services were done away in violation of the provision of Industrial Disputes Act, 1947 (in short the Act). Demand notice dated 27.9.11 was sent. On these facts the claimant filed an industrial dispute before this Tribunal under section 2A of the Act, without being referred for adjudication by the appropriate Government under section 10 (1) (d) of the Act.

2. Sh. Puneet Saini was heard over the matter. He concedes that dispute was not raised before the Conciliation Officer in relation to dismissal of the claimant. It emerged over the record that after his dismissal, the claimant had sent a demand notice on 27.9.11, which is pre-cursory step for raising an industrial dispute before the Conciliation Officer. In the claim statement it has been projected that an industrial dispute was raised before the Conciliation Officer and during the pendency of the said dispute the claimant was suspended on 19.1.09. The claim statement nowhere explain as to what was the fate of the said dispute. Admittedly the claimant was suspended and charge-sheeted thereafter. An enquiry was conducted and he was dismissed on 6.10.10. It is evident that the dispute, referred above, does not relate to the dismissal order dated 6.10.10.

3. Provisions of section 2A of the Act were amended by the Parliament *vide* Act No. 24 of 2010 and sub sections

(2) and (3) of the said section were inserted which become effective on 15.9.10. Sub section (2) of section 2A authorizes a workman to file his dispute before this Tribunal, without being referred for adjudication by the appropriate Government under section 10 (1) (d) of the Act, after expiry of 45 days from the date he made an application to the Conciliation Officer for conciliation of the dispute. Therefore for invoking the provisions of section 2A of the Act, a workman who has been discharged, dismissed, retrenched, or otherwise terminated from his service may raise an industrial dispute directly, without being referred for adjudication by the appropriate Government. But that right had been subjected to conditions, which are as follows:

- (i) The claimant have to raise an industrial dispute before the Conciliation Officer and a period of 45 days should have expired from the date he made the application before the Conciliation Officer, and
- (ii) The application should have been moved before the Tribunal before expiry of three years from the date of discharge, dismissal, retrenchment, or otherwise termination of service, as specified in sub section (1) of section 2A of the Act.

4. The conditions detailed above are mandatory. Non compliance of above conditions would either bar the jurisdiction, or would not give jurisdiction to the Tribunal to entertain the dispute. Since no dispute was raised before the Conciliation Officer in relation to dismissal of the claimant, as contemplated by sub-section (2) of section 2A of the Act, the Tribunal cannot invoke its jurisdiction over the matter. For want of jurisdiction, the dispute cannot be entertained. It is, accordingly, dismissed being premature. An award is, passed. It be sent to the appropriate Government for publication.

Dr. R.K. YADAV, Presiding Officer.

नई दिल्ली, 25 नवम्बर, 2011

का.आ. 3728.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स इन्द्रप्रस्था गैस लिमिटेड दिल्ली एवं एल्फा इन्टरप्राइजेज दिल्ली के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. 1 दिल्ली के पंचाट (संदर्भ संख्या 312/2011) को प्रकाशित करती है जो केन्द्रीय सरकार को 11/11/2011 को प्राप्त हुआ था।

[फा. सं. एल-15025/1/2011-आई आर (एम)]
जोहन तोपनो, अवर सचिव

New Delhi, the 25th November, 2011

S.O. 3728.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central

Government hereby publishes the award (Ref. No.312/2011.....) of the Central Government Industrial Tribunal/Labour Court No.-I Delhi now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. Inderprastha Gas Limited, New Delhi and M/s. Alpha Enterprises, New Delhi and their workman, which was received by the Central Government on 11.11.2011.

[F. No. L-15025/1/2011-IR(M)]
JOHAN TOPNO, Under Secretary

ANNEXURE

**BEFORE DR. R.K. YADAV, PRESIDING OFFICER,
CENTRAL GOVT. INDUSTRIAL TRIBUNAL NO. 1,
KARKARDOOMA COURTS COMPLEX, DELHI**

I.D. NO. 312/2011

Shri Ram Saran
S/o Late Shri Jay Ram,
R/o RZF-929, Raj Nagar-2,
Palam Colony,
New Delhi-45.

Workman

Versus

1. M/s. Inderprastha Gas Limited,
IGL Bhawan, Flat No. 4,
Community Centre, Sector-9,
R.K. Puram, New Delhi.
2. M/s. Alpha Enterprises
Through Proprietor
Col. Janak Kapoor,
R-835, New Rajindra Nagar,
New Delhi-110060.

Management

AWARD

Ram Saran was engaged as a Technician with effect from 22.04.2000 by Inderprastha Gas Limited through the Contractor, namely, M/s. Alpha Enterprises. He served there till 6.10.2010. On 16.1.09 his signatures were allegedly obtained on some blank papers. He raised an industrial dispute before the Conciliation Officer. Subsequently, he was suspended and charge-sheeted. An enquiry was constituted. The enquiry was not fair and proper, projects the claimant. Ultimately he was dismissed *vide* letter dated 6.10.2010. He claims that his services were done away in violation of the provision of Industrial Disputes Act, 1947 (in short the Act). Demand notice dated 27.9.11 was sent. On these facts the claimant filed an industrial dispute before this Tribunal under section 2A of the Act, without being referred for adjudication by the appropriate Government under section 10 (1) (d) of the Act.

concedes that dispute was not raised before the Conciliation Officer in relation to dismissal of the claimant. It emerged over the record that after his dismissal, the claimant had sent a demand notice on 27.9.11, which is pre-cursory step for raising an industrial dispute before the Conciliation Officer. In the claim statement it has been projected that an industrial dispute was raised before the Conciliation Officer and during the pendency of the said dispute the claimant was suspended on 19.1.09. The claim statement nowhere explain as to what was the fate of the said dispute. Admittedly the claimant was suspended and charge-sheeted thereafter. An enquiry was conducted and he was dismissed on 6.10.10. It is evident that the dispute, referred above, does not relate to the dismissal order dated 6.10.10.

3. Provisions of section 2A of the Act were amended by the Parliament *vide* Act No. 24 of 2010 and sub sections (2) and (3) of the said section were inserted which become effective on 15.9.10. Sub section (2) of section 2A authorizes a workman to file his dispute before this Tribunal, without being referred for adjudication by the appropriate Government under section 10 (1) (d) of the Act, after expiry of 45 days from the date he made an application to the Conciliation Officer for conciliation of the dispute. Therefore for invoking the provisions of section 2A of the Act, a workman who has been discharged, dismissed, retrenched, or otherwise terminated from his service may raise an industrial dispute directly, without being referred for adjudication by the appropriate Government. But that right had been subjected to conditions, which are as follows:

- (i) The claimant have to raise an industrial dispute before the Conciliation Officer and a period of 45 days should have expired from the date he made the application before the Conciliation Officer; and
- (ii) The application should have been moved before the Tribunal before expiry of three years from the date of discharge, dismissal, retrenchment, or otherwise termination of service, as specified in sub section (1) of section 2A of the Act.

4. The conditions detailed above are mandatory. Non compliance of above conditions would either bar the jurisdiction, or would not give jurisdiction to the Tribunal to entertain the dispute. Since no dispute was raised before the Conciliation Officer in relation to dismissal of the claimant, as contemplated by sub-section (2) of section 2A of the Act, the Tribunal cannot invoke its jurisdiction over the matter. For want of jurisdiction, the dispute cannot be entertained. It is, accordingly, dismissed being premature. An award is, passed. It be sent to the appropriate Government for publication.

Dated 07-10-2011

Dr. R.K. YADAV, Presiding Officer

2. Sh. Puneet Saini was heard over the matter. He

नई दिल्ली, 25 नवम्बर, 2011

AWARD

का.आ. 3729.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स इन्द्रप्रस्था गैस लिमिटेड दिल्ली एवं एल्फा इन्टरप्राइजेज दिल्ली के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं० 1 दिल्ली के पंचात (संदर्भ संख्या 311/2011) को प्रकाशित करती है जो केन्द्रीय सरकार को 11/11/2011 को प्राप्त हुआ था।

[फा सं एल-15025/1/2011-आई आर (एम)]

जोहन तोपनो, अवसर सचिव

New Delhi, the 25th November, 2011

S.O. 3729.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No.311/2011.....) of the Central Government Industrial Tribunal/Labour Court No.-1 Delhi now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. Inderprastha Gas Limited, New Delhi and M/s. Alpha Enterprises, New Delhi and their workman, which was received by the Central Government on 11.11.2011.

[F. No. L-15025/1/2011-IR(M)]

JOHAN TOPNO, Under Secretary

ANNEXURE

BEFORE DR. R.K. YADAV, PRESIDING OFFICER,
CENTRAL GOVT. INDUSTRIAL TRIBUNAL NO. 1,
KARKARDOOMA COURTS COMPLEX, DELHI

I.D. NO. 311/2011

Shri Vikash Kumar
S/o Shri Subhash Singh,
R/o Vill. Chakvirampur, P.O. Rabupura,
Distt. Gautam Budh Nagar,
U.P.-203209.

Workman

Versus

1. M/s. Inderprastha Gas Limited,
IGL Bhawan, Flat No. 4,
Community Centre, Sector-9,
R.K. Puram, New Delhi.
2. M/s. Alpha Enterprises
Through Proprietor
Col. Janak Kapoor,
R-835, New Rajindra Nagar,
New Delhi-110060.

Herkesh Kumar was engaged as a DSM with effect from 01.09.07 by Inderprastha Gas Limited through the Contractor, namely, M/s. Alpha Enterprises. He served there till 6.10.2010. On 16.1.09 his signatures were allegedly obtained on some blank papers. He raised an industrial dispute before the Conciliation Officer. Subsequently, he was suspended and charge-sheeted. An enquiry was constituted. The enquiry was not fair and proper, projects the claimant. Ultimately he was dismissed vide letter dated 6.10.2010. He claims that his services were done away in violation of the provision of Industrial Disputes Act, 1947 (in short the Act). Demand notice dated 27.9.11 was sent. On these facts the claimant filed an industrial dispute before this Tribunal under section 2A of the Act, without being referred for adjudication by the appropriate Government under section 10 (1) (d) of the Act.

2. Sh. Puneet Saini was heard over the matter. He concedes that dispute was not raised before the Conciliation Officer in relation to dismissal of the claimant. It emerged over the record that after his dismissal, the claimant had sent a demand notice on 27.9.11, which is precursory step for raising an industrial dispute before the Conciliation Officer. In the claim statement it has been projected that an industrial dispute was raised before the Conciliation Officer and during the pendency of the said dispute the claimant was suspended on 19.1.09. The claim statement nowhere explain as to what was the fate of the said dispute. Admittedly the claimant was suspended and charge-sheeted thereafter. An enquiry was conducted and he was dismissed on 6.10.10. It is evident that the dispute, referred above, does not relate to the dismissal order dated 6.10.10.

3. Provisions of section 2A of the Act were amended by the Parliament vide Act No. 24 of 2010 and sub sections (2) and (3) of the said section were inserted which become effective on 15.9.10. Sub section (2) of section 2A authorizes a workman to file his dispute before this Tribunal, without being referred for adjudication by the appropriate Government under section 10 (1) (d) of the Act, after expiry of 45 days from the date he made an application to the Conciliation Officer for conciliation of the dispute. Therefore for invoking the provisions of section 2A of the Act, a workman who has been discharged, dismissed, retrenched, or otherwise terminated from his service may raise an industrial dispute directly, without being referred for adjudication by the appropriate Government. But that right had been subjected to conditions, which are as follows:

- (i) The claimant have to raise an industrial dispute before the Conciliation Officer and a period of 45 days should have expired from the date he made the application before the Conciliation Officer; and
- (ii) The application should have been moved before the Tribunal before expiry of three years from the

date of discharge, dismissal, retrenchment, or otherwise termination of service, as specified in sub section (1) of section 2A of the Act.

4. The conditions detailed above are mandatory. Non compliance of above conditions would either bar the jurisdiction, or would not give jurisdiction to the Tribunal to entertain the dispute. Since no dispute was raised before the Conciliation Officer in relation to dismissal of the claimant, as contemplated by sub-section (2) of section 2A of the Act, the Tribunal cannot invoke its jurisdiction over the matter. For want of jurisdiction, the dispute cannot be entertained. It is, accordingly, dismissed being premature. An award is, passed. It be sent to the appropriate Government for publication.

Dr. R.K. YADAV, Presiding Officer.

Dated 07-10-2011

नई दिल्ली, 25 नवम्बर, 2011

का० आ० 3730.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स इन्द्रप्रस्था गैस लिमिटेड दिल्ली एवं एल्फा इन्टरप्राइजेज दिल्ली के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं० 1 दिल्ली के पंचाट (संदर्भ संख्या 310/2011) को प्रकाशित करती है जो केन्द्रीय सरकार को 11/11/2011 को प्राप्त हुआ था।

[फ० सं० एल-15025/1/2011-आई आर (एम)]
जोहन तोपनो, अवर सचिव

New Delhi, the 25th November, 2011

S.O. 3730.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No.310/2011.....) of the Central Government Industrial Tribunal/Labour Court No. 1 Delhi now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. Inderprastha Gas Limited New Delhi and M/s. Alpha Enterprises New Delhi and their workman, which was received by the Central Government on 11-11-2011

[F.No. L-15025/1/2011-IR(M)]
JOHAN TOPNO, Under Secretary

ANNEXURE

**BEFORE DR. R.K. YADAV, PRESIDING OFFICER,
CENTRAL GOVT. INDUSTRIAL TRIBUNAL NO. 1,
KARKARDOOMA COURTS COMPLEX: DELHI**

ID.No. 310/2011

Shri Satish Tomar
S/o Shri Satyapal Singh,

R/o VIII. & P.O. Barwala,
Distt. Bagpat,
U.P.-250621.

Workman

Versus

1. M/s. Inderprastha Gas Limited,
IGL Bhawan, Flat No. 4,
Community Centre, Sector-9,
R.K. Puram, New Delhi.
2. M/s. Alpha Enterprises
Through Proprietor
Col. Janak Kapoor,
R-835, New Rajindra Nagar,
New Delhi-110060.

Management

AWARD

Herkesh Kumar was engaged as a DSM with effect from 01.09.05 by Inderprastha Gas Limited through the Contractor, namely, M/s. Alpha Enterprises. He served there till 06.10.2010. On 16.1.09 his signatures were allegedly obtained on some blank papers. He raised an industrial dispute before the Conciliation Officer. Subsequently, he was suspended and charge-sheeted. An enquiry was constituted. The enquiry was not fair and proper, projects the claimant. Ultimately he was dismissed *vide* letter dated 6.10.2010. He claims that his services were done away in violation of the provision of Industrial Disputes Act, 1947 (in short the Act). Demand notice dated 27.9.11 was sent. On these facts the claimant filed an industrial dispute before this Tribunal under section 2A of the Act, without being referred for adjudication by the appropriate Government under section 10(1) (d) of the Act.

2. Sh. Puneet Saini was heard over the matter. He concedes that dispute was not raised before the Conciliation Officer in relation to dismissal of the claimant. It emerged over the record that after his dismissal, the claimant had sent a demand notice on 27.9.11, which is pre-cursory step for raising an industrial dispute before the Conciliation Officer. In the claim statement it has been projected that an industrial dispute was raised before the Conciliation Officer and during the pendency of the said dispute the claimant was suspended on 19.1.09. The claim statement nowhere explain as to what was the fate of the said dispute. Admittedly the claimant was suspended and charge-sheeted thereafter. An enquiry was conducted and he was dismissed on 6.10.10. It is evident that the dispute, referred above, does not relate to the dismissal order dated 6.10.10.

3. Provisions of section 2A of the Act were amended by the Parliament *vide* Act No. 24 of 2010 and sub sections

(2) and (3) of the said section were inserted which become effective on 15.9.10. Sub section (2) of section 2A authorizes a workman to file his dispute before this Tribunal, without being referred for adjudication by the appropriate Government under section 10(1) (d) of the Act, after, expiry of 45 days from the date he made an application to the Conciliation Officer for conciliation of the dispute. Therefore for invoking the provisions of section 2A of the Act, a workman who has been discharged, dismissed, retrenched, or otherwise terminated from his service may raise an industrial dispute directly, without being referred for adjudication by the appropriate Government. But that right had been subjected to conditions, which are as follows:

- (i) The claimant have to raise an industrial dispute before the Conciliation Officer and a period of 45 days should have expired from the date he made the application before the Conciliation Officer; and
- (ii) The application should have been moved before the Tribunal before expiry of three years from the date of discharge, dismissal, retrenchment, or otherwise termination of service, as specified in sub section (1) of section 2A of the Act.

4. The conditions detailed above are mandatory. Non compliance of above conditions would either bar the jurisdiction, or would not give jurisdiction to the Tribunal to entertain the dispute. Since no dispute was raised before the Conciliation Officer in relation to dismissal of the claimant, as contemplated by sub-section (2) of section 2A of the Act, the Tribunal cannot invoke its jurisdiction over the matter. For want of jurisdiction, the dispute cannot be entertained. It is, accordingly, dismissed being premature. An award is, passed. It be sent to the appropriate Government for publication.

Dr. R.K. YADAV, Presiding Officer

Dated 7-10-2011

नई दिल्ली, 25 नवम्बर, 2011

का० आ० 3731.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स इन्टरप्रस्था गैस लिमिटेड दिल्ली एवं एल्फा इन्टरप्राइजेज दिल्ली के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं० 1 दिल्ली के पंचाट (संदर्भ संख्या 309/2011) को प्रकाशित करती है जो केन्द्रीय सरकार को 11/11/2011 को प्राप्त हुआ था।

[फ० सं० एल-15025/1/2011-आई आर (एम)]

जोहन तोपनो, अवर सचिव

New Delhi, the 25th November, 2011

S.O.3731.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central

Government hereby publishes the award (Ref. No.3/09/2011.....) of the Central Government Industrial Tribunal/Labour Court No. 1 Delhi now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s.. Inderprastha Gas Limited New Delhi and M/s. Alpha Enterprises New Delhi and their workman, which was received by the Central Government on 11-11-2011

[F.No. L-15025/1/2011-IR(M)]

JOHAN TOPNO, Under Secretary

ANNEXURE

**BEFORE DR. R.K. YADAV, PRESIDING OFFICER,
CENTRAL GOVT. INDUSTRIAL TRIBUNAL NO. 1,
KARKARDOOMA COURTS COMPLEX, DELHI**

I.D. No. 309/2011

Shri Surender Pal Singh
S/o Late Shri Harphool Singh,
R/o Vill. Chakveerampur (Tanaja),
P.O. Rabupura,
Distt. Gautam Budh Nagar
U.P.-203209

Workman

Versus

1. M/s. Inderprastha Gas Limited,
IGL Bhawan, Flat No. 4,
Community Centre, Sector-9,
R.K. Puram, New Delhi.
2. M/s. Alpha Enterprises
Through Proprietor
Col. Janak Kapoor,
R-835, Rajinder Nagar,
New Delhi-110060.

Management

AWARD

Surender Pal Singh was engaged as a Technician with effect from 1.7.04 by Inderprastha Gas Limited through the Contractor, namely, M/s. Alpha Enterprises. He served there till 6.10.2010. On 16.1.09 his signatures were allegedly obtained on some blank papers. He raised an industrial dispute before the Conciliation Officer. Subsequently, he was suspended and charge-sheeted. An enquiry was constituted. The enquiry was not fair and proper, projects the claimant. Ultimately he was dismissed vide letter dated 6.10.2010. He claims that his services were done away in violation of the provision of Industrial Disputes Act, 1947 (in short the Act). Demand notice dated 27.9.11 was sent. On these facts the claimant filed an industrial dispute before this Tribunal under section 2A of the Act, without being referred for adjudication by the appropriate Government under section 10(1) (d) of the Act.

2. Sh. Puneet Saini was heard over the matter. He concedes that dispute was not raised before the Conciliation Officer in relation to dismissal of the claimant. It emerged over the record that after his dismissal, the claimant had sent a demand notice on 27.9.11, which is precursory step for raising an industrial dispute before the Conciliation Officer. In the claim statement it has been projected that an industrial dispute was raised before the Conciliation Officer and during the pendency of the said dispute the claimant was suspended on 19.1.09. The claim statement nowhere explain as to what was the fate of the said dispute. Admittedly the claimant was suspended and charge-sheeted thereafter. An enquiry was conducted and he was dismissed on 6.10.10. It is evident that the dispute, referred above, does not relate to the dismissal order dated 6.10.10.

3. Provisions of section 2A of the Act were amended by the Parliament *vide* Act No. 24 of 2010 and sub sections (2) and (3) of the said section were inserted which become effective on 15.9.10. Sub section (2) of section 2A authorizes a workman to file his dispute before this Tribunal, without being referred for adjudication by the appropriate Government under section 10 (1) (d) of the Act, after expiry of 45 days from the date he made an application to the Conciliation Officer for conciliation of the dispute. Therefore for invoking the provisions of section 2A of the Act, a workman who has been discharged, dismissed, retrenched, or otherwise terminated from his service may raise an industrial dispute directly, without being referred for adjudication by the appropriate Government. But that right had been subjected to conditions, which are as follows:

- (i) The claimant have to raise an industrial dispute before the Conciliation Officer and a period of 45 days should have expired from the date he made the application before the Conciliation Officer, and
- (ii) The application should have been moved before the Tribunal before expiry of three years from the date of discharge, dismissal, retrenchment, or otherwise termination of service, as specified in sub section (1) of section 2A of the Act.

4. The conditions detailed above are mandatory. Non compliance of above conditions would either bar the jurisdiction, or would not give jurisdiction to the Tribunal to entertain the dispute. Since no dispute was raised before the Conciliation Officer in relation to dismissal of the claimant, as contemplated by sub-section (2) of section 2A of the Act, the Tribunal cannot invoke its jurisdiction over the matter. For want of jurisdiction, the dispute cannot be entertained. It is, accordingly, dismissed being premature. An award is, passed. It be sent to the appropriate Government for publication.

Dated: 07-10-2011

Dr. R.K. YADAV, Presiding Officer

नई दिल्ली, 25 नवम्बर, 2011

कां आ 3732.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स इन्द्रप्रस्था गैस लिमिटेड दिल्ली एवं एल्फा इन्टरप्राइजेज दिल्ली के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं 1 दिल्ली के पंचाट (संदर्भ संख्या 319/2011) को प्रकाशित करती है जो केन्द्रीय सरकार को 11/11/2011 को प्राप्त हुआ था

[फा सं एल-15025/1/2011-आई आर (एम)]
जोहन तोपनो, अवर सचिव

New Delhi, the 25th November, 2011

S.O. 3732.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No.319/2011.....) of the Central Government Industrial Tribunal/Labour Court No. 1 Delhi now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. Inderprastha Gas Limited New Delhi and M/s. Alpha Enterprises New Delhi and their workman, which was received by the Central Government on 11-11-2011

[F.No. L-15025/1/2011-IR(M)]
JOHAN TOPNO, Under Secretary

ANNEXURE

**BEFORE DR. R.K. YADAV, PRESIDING OFFICER,
CENTRAL GOVT. INDUSTRIAL TRIBUNAL NO. 1,
KARKARDOOMA COURTS COMPLEX, DELHI**

I.D. No. 309/2011

Shri Kuldeep Dheer
S/o Shri Ram Kishan,
R/o I/4054, Ram Nagar Extn.,
Loni Road, Shahdara,
Delhi-110032

Workman

Versus

1. M/s. Inderprastha Gas Limited,
IGL Bhawan, Flat No. 4,
Community Centre, Sector-9,
R.K. Puram, New Delhi.
2. M/s. Alpha Enterprises
Through Proprietor
Col. Janak Kapoor,
R-835, New Rajinder Nagar,
New Delhi-110060.

Management

AWARD

Kuldeep Dheer was engaged as a DSM with effect from 16.6.02 by Inderprastha Gas Limited through the Contractor, namely, M/s. Alpha Enterprises. He served there till 6.10.2010. On 16.1.09 his signatures were allegedly obtained on some blank papers. He raised an industrial dispute before the Conciliation Officer. Subsequently, he was suspended and charge-sheeted. An enquiry was constituted. The enquiry was not fair and proper, projects the claimant. Ultimately he was dismissed *vide* letter dated 6.10.2010. He claims that his services were done away in violation of the provision of Industrial Disputes Act, 1947 (in short the Act). Demand notice dated 27.9.11 was sent. On these facts the claimant filed an industrial dispute before this Tribunal under section 2A of the Act, without being referred for adjudication by the appropriate Government under section 10(1) (d) of the Act.

2. Sh. Puneet Saini was heard over the matter. He concedes that dispute was not raised before the Conciliation Officer in relation to dismissal of the claimant. It emerged over the record that after his dismissal, the claimant had sent a demand notice on 27.9.11, which is precursory step for raising an industrial dispute before the Conciliation Officer. In the claim statement it has been projected that an industrial dispute was raised before the Conciliation Officer and during the pendency of the said dispute the claimant was suspended on 19.1.09. The claim statement nowhere explain as to what was the fate of the said dispute. Admittedly the claimant was suspended and charge-sheeted thereafter. An enquiry was conducted and he was dismissed on 6.10.10. It is evident that the dispute, referred above, does not relate to the dismissal order dated 6.10.10.

3. Provisions of section 2A of the Act were amended by the Parliament *vide* Act No. 24 of 2010 and sub sections (2) and (3) of the said section were inserted which become effective on 15.9.10. Sub section (2) of section 2A authorizes a workman to file his dispute before this Tribunal, without being referred for adjudication by the appropriate Government under section 10(1) (d) of the Act, after expiry of 45 days from the date he made an application to the Conciliation Officer for conciliation of the dispute. Therefore for invoking the provisions of section 2A of the Act, a workman who has been discharged, dismissed, retrenched, or otherwise terminated from his service may raise an industrial dispute directly, without being referred for adjudication by the appropriate Government. But that right had been subjected to conditions, which are as follows:

- (i) The claimant have to raise an industrial dispute before the Conciliation Officer and a period of 45 days should have expired from the date he made the application before the Conciliation Officer; and

- (ii) The application should have been moved before the Tribunal before expiry of three years from the date of discharge, dismissal, retrenchment, or otherwise termination of service, as specified in sub section (1) of section 2A of the Act.

4. The conditions detailed above are mandatory. Non compliance of above conditions would either bar the jurisdiction, or would not give jurisdiction to the Tribunal to entertain the dispute. Since no dispute was raised before the Conciliation Officer in relation to dismissal of the claimant, as contemplated by sub-section (2) of section 2A of the Act, the Tribunal cannot invoke its jurisdiction over the matter. For want of jurisdiction, the dispute cannot be entertained. It is, accordingly, dismissed being premature. An award is, passed. It be sent to the appropriate Government for publication.

Dated: 07-10-2011

Dr. R.K. YADAV, Presiding Officer

नई दिल्ली, 25 नवम्बर, 2011

का. आ. 3733.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स इन्द्रप्रस्था गैस लिमिटेड दिल्ली एवं एल्फा इन्टरप्राइजेज दिल्ली के प्रबंध तंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. 1 दिल्ली के पंचाट (संदर्भ संख्या 320/2011) को प्रकाशित करती है जो केन्द्रीय सरकार को 11-11-2011 को प्राप्त हुआ था।

[फा सं एल्-15025/1/2011-आई आर (एम)]
जोहन तोपनो, अवर सचिव

New Delhi, the 25th November, 2011

S.O. 3733.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 320/2011) of the Central Government Industrial Tribunal/Labour Court No. 1 Delhi now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. Indraprastha Gas Ltd., New Delhi and M/s. Alpha Enterprises, New Delhi and their workmen, which was received by the Central Government on 11.11.2011.

[F.No. L-15025/1/2011-IR(M)]
JOHAN TOPNO, Under Secy.

ANNEXURE

**BEFORE DR. R.K. YADAV, PRESIDING OFFICER,
CENTRAL GOVT. INDUSTRIAL TRIBUNAL NO. 1,
KARKARDOOMA COURTS COMPLEX, DELHI**

I.D. No. 320/2011

Shri Herkesh Kumar
S/o Shri Sagar Mal,
R/o D-1/678, Gali No. 18, Harsh Vihar, Delhi.

Workman

Versus

1. M/s Indraprastha Gas Ltd.
IGL Bhawan, Flat No. 4,
Community Centre, Sector-9,
R.K. Puram, New Delhi.
2. M/s Alpha Enterprises
Through Proprietor
Col. Janak Kapoor,
R.835, New Rajinder Nagar,
New Delhi-110060.

Management

AWARD

Herkesh Kumar was engaged as a DSM with effect from 23.2.2001 by Indraprastha Gas Ltd. through the Contractor, namely, M/s Alpha Enterprises. He served there till 6.10.2010. On 16.1.2009 his signatures were allegedly obtained on some blank papers. He raised an industrial dispute before the Conciliation Officer. Subsequently, he was suspended and charge-sheeted. An enquiry was constituted. The enquiry was not fair and proper, projects the claimant. Ultimately he was dismissed *vide* letter dated 6.10.2010. He claims that his services were done away in violation of the provision of Industrial Disputes Act, 1947 (in short the Act). Demand notice dated 27.9.2011 was sent. On these facts the claimant filed an industrial dispute before this Tribunal under section 2A of the Act, without being referred for adjudication by the appropriate Government under section 10(1)(d) of the Act.

2. Sh. Puneet Saini was heard over the matter. He concedes that dispute was not raised before the Conciliation Officer in relation to dismissal of the claimant. It emerged over the record that after his dismissal, the claimant had sent a demand notice on 27.9.2011, which is pre-cursory step for raising an industrial dispute before the Conciliation Officer. In the claim statement it has been projected that an industrial dispute was raised before the Conciliation Officer and during the pendency of the said dispute the claimant was suspended on 19.1.2009. The claim statement nowhere explain as to what was the fate of the said dispute. Admittedly the claimant was suspended and charge-sheeted thereafter. An enquiry was conducted and he was dismissed on 6.10.2010. It is evident that the dispute, referred above, does not relate to the dismissal order dated 6.10.2010.

3. Provisions of section 2A of the Act were amended by the Parliament *vide* Act No. 24 of 2010 and sub-section (2) and (3) of the said section were inserted which become effective on 15.9.2010. Sub-section (2) of section 2A

authorized a workman to file his dispute before this Tribunal, without being referred for adjudication by the appropriate Government under section 10(1)(d) of the Act, after expiry of 45 days from the date he made an application to the Conciliation Officer for conciliation of the dispute. Therefore for invoking the provisions of section 2A of the Act, a workman who has been discharged, dismissed, retrenched, or otherwise terminated from his service may raise an industrial dispute directly, without being referred for adjudication by the appropriate Government. But that right had been subjected to conditions, which are as follows:

- (i) The claimant have to raise an industrial dispute before the Conciliation Officer and a period of 45 days should have expired from the date he made the application before the Conciliation Officer; and
- (ii) the application should have been moved before the Tribunal before expiry of three years from the date of discharge, dismissal, retrenchment, or otherwise termination of service, as specified in sub-section (1) of section 2A of the Act.

4. The conditions detailed above are mandatory. Non compliance of above conditions would either bar the jurisdiction, or would not give jurisdiction to the Tribunal to entertain the dispute. Since no dispute was raised before the Conciliation Officer in relation to dismissal of the claimant, as contemplated by sub-section (2) of section 2A of the Act, the Tribunal cannot invoke its jurisdiction over the matter. For want of jurisdiction, the dispute cannot be entertained. It is, accordingly, dismissed being premature. An award is, passed. It be sent to the appropriate Government for publication.

Dr. R.K. YADAV, Presiding Officer

नई दिल्ली, 25 नवम्बर, 2011

का.आ. 3734.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार भारतीय स्टेट बैंक के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नागपुर के पंचाट (संदर्भ संख्या 05/2011-12) को प्रकाशित करती है जो केन्द्रीय सरकार को 25-11-2011 को प्राप्त हुआ था।

[फा० सं० एल्-12012/47/2010-आई आर (बी-1)]
रमेश सिंह, डेस्क अधिकारी

New Delhi, the 25th November, 2011

S.O. 3734.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award Ref. No. 05/2011-12 of the Central Government Industrial Tribunal-cum-Labour Court, Nagpur as shown in the

Annexure in the Industrial Dispute between the management of State Bank of India and their workmen, received by the Central Government on 25.11.2011.

[F. No. L-12012/47/2010-IR(B-I)]
RAMESH SINGH, Desk Officer

ANNEXURE

**BEFORE SHRI J.P. CHAND, PRESIDING OFFICER,
CGIT-CUM-LABOUR COURT, NAGPUR**

Case No. CGIT/NGP/05/2011-12 Date: 8.11.2011

Party No. 1 : The Asstt. General Manager, SBI,
Zonal Office, S.V. Patel Marg,
Kinsgway, Station Road, Nagpur.

Versus

Party No. 2 : Shri Ganesh S/o Shri Keshav Ninawe,
Near Vithoba Wastad Akhada,
Badabhaupeth, Nagpur.

AWARD

(Dated: 08th November, 2011)

In exercise of the powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of section 10 of Industrial Disputes Act, 1947 (14 of 1947) ("the Act" in short), the Central Government has referred the industrial dispute between the employers, in relation to the management of State Bank of India and Shri Ganesh S/o Shri Keshav Ninawe, for adjudication, as per letter No. L-12012/47/2010-IR (B-I) dated 15.4.2011, with the following schedule:—

"Whether the action of the management of State Bank of India, Zonal Office, Nagpur in imposing a penalty of "Discharge from Bank Service with superannuation benefits" vide their order dated 28.3.2008, on Shri Ganesh Keshav Ninawe, Ex-senior Assistant, SBI, Jatpura Branch, Chandrapur, is legal and justified? If what relief the workman is entitled?"

2. On receipt of the reference, both the parties were noticed to file their respective statement of claim and written statement. The workman appeared in the case through his advocate on 7.6.2011 and took adjournment to file the statement of claim. Accordingly, the case was posted to 25.7.2011 for filing statement of claim and documents by the workman. On 25.7.2011, management of the SBI appeared through their advocate. On that day, neither the petitioner nor his advocate appeared in the case. No statement of claim was also filed, however, in the interest of justice, the case was adjourned to 13.9.2011 to file the statement of claim. On 13.9.2011 also, neither the workman nor his advocate appeared in the case. No statement of claim was also filed. In the interest of justice, the workman was given a last chance to file the statement of claim and the case was posted to 8.11.2011 for filing statement of claim. On

8.11.2011 also, neither the workman appeared nor the statement of claim was filed. No step was also taken on behalf of the workman. So, the case was closed and fixed for award.

As no statement of claim has been filed by the workman, he is not entitled for any relief. Hence, it is ordered:

ORDER

The action of the management of State Bank of India, Zonal Office, Nagpur in imposing a penalty of "Discharge from Bank Service with superannuation benefits" vide their order dated 28.3.2008, on Shri Ganesh Keshav Ninawe, Ex-Senior Assistant, SBI, Jatpura Branch, Chandrapur, is legal and justified. The workman is not entitled for any relief.

J.P. CHAND, Presiding Officer

नई दिल्ली, 25 नवम्बर, 2011

का.आ. 3735.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स केलघाट पुष्परज ठेकेदार इंडेन बाटलिंग प्लांट, इरनाकुलम के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय इरनाकुलम के पंचाट (संदर्भ संख्या 31/2006) को प्रकाशित करती है जो केन्द्रीय सरकार को 25-11-2011 को प्राप्त हुआ था।

[फा० सं० एल्-30011/105/2003-आई आर (एम)]

जोहन तोपनो, अवर सचिव

New Delhi, the 25th November, 2011

S.O. 3735.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 31/2006.....) of the Central Government Industrial Tribunal/Labour Court, Erakulam now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Shri Celanghat Pushparaj Cont. Indian Bottling Plant (Ernakulam) and their workmen, which was received by the Central Government on 25.11.2011.

[F. No. L-30011/105/2003-IR(M)]

JOHAN TOPNO, Under Secy.

ANNEXURE

**IN THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT, ERNAKULAM**

Present: Shri D. Sreevallabhan, B.Sc., LL.B.,
Presiding Officer

(Thursday the 22nd day of September, 2011/
31st Bhadrapada, 1933)

I.D. No. 31/2006

- Unions
1. The General Secretary,
LPG Cylinders Workers Union,
Indane Bottling Plant, Udayamperoor.
 2. The Secretary,
IBP workers Union,
Indane Bottling Plant, Udayamperoor,
Nadakkavu, Ernakulam.
 3. The Secretary,
Headload and General Workers Union,
Indane Bottling Plant, Udayamperoor,
Nadakkavu, Ernakulam.
 4. The President,
Udayamperoor IOC LPG-Bottling
Plant Cylinder & Gen. Workers Union,
Indane Bottling Plant, Udayamperoor,
Nadakkavu, Ernakulam.

By Adv. Shri C.S. Ajith Prakash.

Management : Shri Chelanghat Pushparaj,
Contractor, Indane Bottling Plant,
Udayamperoor, Nadakkavu,
P.O., Ernakulam.

By Adv. Shri S. Vidyasagar.

This case coming up for final hearing on 14.9.2011 and this Tribunal-cum-Labour Court on 22.9.2011 passed the following.

AWARD

The Government of India, Ministry of Labour, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to the Labour Court, Ernakulam by its order No. L-30011/105/2003-IR(M) dated 24.2.2004.

2. The reference is:

"Whether the demand of the Unions of Indane Bottling Plant, Udayamperoor, Ernakulam before the contractor for revision of wages, incentives and service conditions of loading, unloading and house keeping workers are fair, proper and justified, if so, to what relief the Union/workmen concerned are entitled?"

3. After receipt of the reference in the Labour Court, Ernakulam it was numbered as I.D. 4/2004 (C) and summons was issued to the parties in the reference. After appearance of all the unions and the management the case was posted for claim statement. While so the case was transferred to this Tribunal in pursuance of the order dated. 24.01.2006 in W.P. (C) No. 1069/2006 of the Hon'ble High Court of Kerala. After the appearance of all the parties before this tribunal the case was posted for filing claim statement by the unions in the reference, arrayed as unions 1 to 4 in this case. Out

of those unions 2nd union alone filed claim statement claiming an increase in the wages after the engagement of the management as the contractor by the Indian Oil Corporation to have a new wage structure for the workers. According to the 2nd union the revision of wages and other incentives of the workers in the Bottling Plant Unit are usually fixed by trilateral discussion of the unions, the contractor and the company in the presence of the Assistant Labour Commissioner (C), Ernakulam in every year considering the increase in the cost of living. There was such a settlement with the previous contractor Shri. C.M. Kurjumammed in the year 2002 by which the basic wages of the house keeping workers was enhanced from Rs. 2638/- to 2902/- with proportionate increase in D.A. and the wages of the loading and unloading workers from Rs. 3695/- to Rs. 4064/- by giving 10% increase with effect from 03.04.2002. There was also increase in other incentives as per that settlement. After taking the contract in the year 2003 management was not prepared to enhance the wages of the workers in spite of continued demands. In the meeting held on 07.05.2003 it was agreed that an interim advance of Rs. 9000/- for the loading/unloading workers and Rs. 6000/- for the house keeping workers would be paid on condition that the wage structure would be settled in future. The demand of the unions was mainly for increase of wages and incentives considering the increase in the work load with the formation of one more plant and also due to the increase in the cost of living. Management left the contract without even paying the bonus. Hence the claims made by the Unions in the Charter of Demands is to be found fair, proper and justified.

4. Udayamperoor Panchayat Cylinder and General Workers Congress, claiming to be union representing a substantial number of workers in the Indian Oil Corporation Bottling Plant, but not included in the list of unions in the reference or not impleaded or arrayed as a union in this case, filed a claim statement through the learned counsel holding the vakkalath of unions 1 to 4 in this case putting forward almost identical please raised in the claim statement of the 2nd union. Such a claim statement is not liable to be entertained for the purpose of the adjudication of the reference in this case.

5. Management filed written statement challenging the *locus standi* of Udayamperoor Panchayath Cylinder and General Workers Congress to raise an industrial dispute as to the Charter of Demands and also challenging the validity of the reference stating that the issue referred in not specific with regard to the period in respect of which the revision is sought for and that the reference without the juncture of principal employer who is the beneficiary is an improper reference. It is further contended that the workers in the Indian Oil Corporation Bottling Plant under the contract comes under two categories (1) loading and unloading workers (2) house keeping workers and that the pattern of wage structure for loading and unloading

category is higher than that of house keeping category. The memorandum of long term settlement dated 24.05.1996 entered by the unions with the previous contractor Shri. E.T. Joseph provides the wage structure as Rs. 2150/- for 1996-97 Rs. 2210/- for 1997-98 and Rs. 2285 for 1998-99 for loading and unloading workers, but there is no pay package for the house keeping workers. It shows that the revision of the wage structure for every year during that period was only @ 2.79% or 3%. For the subsequent period up to April 2003 one Kunjumammed was the contractor. He did not enter into any settlement initially and it was prolonged through negotiations. It was on 18.06.2002, six months prior to the engagement of the management, a settlement was arrived at by which the existing monthly rate of Rs. 3695/- for the loading and unloading workers was enhanced to Rs. 4064/- w.e.f. 03.04.2002 by giving 10% increase so as to pass on the buck to the management knowing fully well that he will not be affected by such unconscionable wage increase. Management had taken the contract on 03.04.2003. As unconscionable demand was made by the unions for the period from April 2003 to April 2004, during which the management was engaged, interim advance @ Rs. 9000/- per mensem for the 58 loading and unloading workers and Rs. 6000/- per mensem for the 58 house keeping workers was agreed to be paid from April 2003 on condition that after having further negotiation excess or lesser amounts paid to the workers would be adjusted from their future salary. Payment was made at that rate to all the workers from April 2003 until the management left the contract in May 2004. Because of the pressure tactics employed by the unions through go slow and temporary stoppage of work in spite of the payment of advance salary for 12 months, EPF contributions and other statutory deposits management sustained a huge loss to the tune of Rs. 15 lakhs. Hence the management had to leave the contract after the completion of one year. If adjustment of the amount paid as interim advance is made after giving 10% hike to the wage structure the balance cash amount received by the employees will cover the other service benefits claimed in their statement and the remaining amount can be adjusted towards other benefits including bonus, if any. The workers do not come under the purview of Payment of Bonus Act and hence they are not eligible for benefits such as Bonus and holiday pays. The work load was considerably decreased with the commissioning of the new fully automated machinery and some of the employees remained without any work. In spite of the hike in the incentive rates the target of 8 lakh cylinders per month from 4.5 lakh cylinders could not be achieved. Since the contract period was only one year the workers under the management are not entitled to get any amount as gratuity. The allegation that there was annual settlement with 10% increase of wages is denied. It is also denied that the contractor is liable to revise the wage structure in every year since it is fixed by the principal employer, the Indian Oil Corporation, and revised by conciliation with the unions

and contractors. The contractor has no role to play in revision of the existing wage structure except either to agree or not to take up the contract. The management remitted the ESI contribution and hence no further medical or accident benefit need be extended to the workers. The agreement entered into the Indian Oil Corporation does not provide for enhancement of rate on yearly basis. The management continued with the same rates prevailing at the time of entering into agreement with the Indian Oil Corporation for 1996 to 1999 with an increase pattern of 3% upto 2002. There was no circumstance warranting a hike in the rates of wages of any other benefits as claimed by the workers. Hence the demand of the unions for getting revision of wages, incentives and bonus is highly unfair, improper and is not justifiable.

6. From the side of the 2nd union one witness was examined as WW1 and Exts. W1 to W5 were got marked. No oral evidence was adduced by the management. Exts. M1 and M2 were got marked on consent.

7. The point for determination is:

“Whether the demand of unions of Indane Bottling Plant, Udayamperoor, Ernakulam for revision of wages, incentives and service conditions of the loading, unloading and house keeping workers is fair, proper and justified. What relief, in any, the unions/workmen are entitled to?”

8. **The Point:** The Indian Oil Corporation Limited has been engaging contractors from time to time for carrying out the loading, unloading and house keeping works in the Indian Oil Corporation Bottling Plant, Udayamperoor. The Bottling Plant is solely depending on those workers of the contractor for the works in the Bottling Plant. The management in this case is the contractor engaged during the period from April 2003 to April 2004. After engagement there could not have been any settlement as to the wage structure and other service conditions through negotiation between the unions and the management. An agreement was entered into in the meeting held on 07.05.2003 by which the management agreed to pay Rs. 9000/- per mensem as interim advance to loading and unloading workers and Rs. 6000/- per mensem to house keeping workers on condition that further discussion and settlement of wage structure would be made in future. The copy of that agreement was marked as Ext. W4 in this case. There is no case for either of the parties that there was any discussion or settlement later as envisaged in it. There is also nothing on record to satisfy the same. There was no settlement as to the wage structure after the engagement of the management in this case. The question of revision of wage structure and other benefits can only be with regard to an existing wage structure. In the affidavit filed in lieu of the chief examination of WW1 it is averred that the practice and the system followed in the company is that every two years or one year the work of house keeping, loading and

unloading will be awarded to a contractor by inviting competitive tenders and the new contractor or the successful bidder will undertake the contract work using the work force belonging to the unions who are parties to this industrial dispute. It is also averred that the terms and conditions for the work and the wages of the workers will be settled through negotiations with the Contractor, Plant Manager and finally, if required, in the presence of Conciliation Officer appointed under the Industrial Disputes Act and every time when there is a change of contractor the unions will issue a Charter of Demands commensurate with the situation, cost of living and working atmosphere. After the engagement of the management in this case there was no fixation of wage structure and it is evident from Ext. W 4. There is no case for the union that there was and fixation of wages and other benefits between the management and the unions. There was only an agreement for payment of interim advance to the workers on monthly basis. It is not in dispute that the monthly wages were paid without any default and the same is admitted by WW1. Ext. M2 is also produced to prove the same. In order to have a revision of wage structure there must be specific plea and convincing evidence with regard to the pay structure which requires revision. There is no such case for the union or any evidence to satisfy the same.

9. In the claim statement there is only the plea that there was an agreement for the increase of wages with previous contractor C.M. Kunjumammed in the year 2002 and solely based on it union has put forward the case that there will be a settlement with the workers on better terms in every year. Ext. W2 is the copy of the settlement entered into between the union and the previous contractor C.M. Kunjumammed on 18.06.2002. From Ext. W2 it can be seen that such a settlement was entered into after the expiry of the period on 02.04.2002 of a long term settlement entered into between them. Clause 18 of Ext. W 2 provides the period of its operation as one year from 03.04.2002 to 02.04.2003. It is after the expiry of the period of that settlement the management in this case was engaged as the contractor.

10. Management has got a contention that the contractor has no role to play in the revision of the existing wage structure since it is being fixed by the principal employer, the Indian Oil Corporation. It has gone to the extent of contending that the reference is an improper one since the principal employer is not joined as a party in the reference. From the evidence adduced in this case it is patently clear that the settlement with regard to the revision of wages, other incentives and service conditions was being entered into by the management and the unions. After filing the claim statement I.A. 23/2007 was filed for the impleadment of the principal employer as an additional party and the same was dismissed by my learned predecessor in office *vide* order dated 20.02.2008 after holding that the Indian Oil Corporation is neither a

necessary party nor a proper party for the adjudication of the dispute. Hence the reference is to be answered considering the pleas put forward by the unions and management in this case.

11. It is not seen from the claim statement that the revision is sought for based on the wage structure and other benefits provided as per Ext. W2 settlement. Even if it be so the union has to satisfy the reasons stated in the claim statement for any increase in the wage structure and other benefits. According to the union there is annual revision of wages and other benefits due to the increase in the cost of living. In this case there is also the plea of increase of work load for revision of the wages and other benefits.

12. First of all it is to be considered whether revision of wages is to be made annually. There is no reliable evidence in this case to prove the same. Relevance was placed by the learned counsel for the unions on Ext. W1 to satisfy that it is necessary to have annual revision of wages for the workers. Ext. W1 is the copy of the memorandum of settlement entered into between the unions with the previous contractor Sri. E.T. Joseph on 23.05.1996. It was entered into after the expiry of the period of a long term settlement between the unions and him. As per that settlement it was agreed to that workers engaged in loading/unloading of LPG Cylinders will be paid a sum of Rs. 2150/- as monthly wages which will be subsequently enhanced to Rs. 2210/- for the second year and Rs. 2285/- for the third year. Incentive of workers was agreed to be enhanced from 18 paise to 20 paise per cylinder for loading and unloading of cylinders over and above 4.5 lakhs. The term of the settlement was for a period of three years *w.e.f.* 01.11.1995 to 31.10.1998. It is after that in 1999 C.M. Kunjumammed was engaged as the contractor and there is no evidence in this case to satisfy that there was any annual revision of wages of the workers from 1999 to 2002 until the entering into Ext. W2 settlement for the period from 03.04.2002 to 02.04.2003. As per the terms of that settlement the monthly wages of Rs. 3695/- was enhanced to Rs. 4064/- *w.e.f.* 03.04.2002 by giving 10% increase. The incentive per cylinder was increased from 35 paise for loading and unloading of the cylinders to 38.5 paise *w.e.f.* 03.04.2002. The period of that settlement is one year from 03.04.2002 to 02.04.2003. Second union has also produced the copy of the subsequent settlement entered into by the unions with the contractor M/s. Kajax Constructions on 17.02.2005, marked as Ext. W3. As per that settlement a sum of Rs. 4467/- per mensem was agreed to be paid as basic pay and DA in every month to loading/unloading workers and Rs. 4418/- to house keeping workers. The incentive to be paid to the workers engaged in loading and unloading work is 38.5 paise per cylinder over and above 5 lakhs cylinders per month and 11.8 paise per cylinder over and above 5 lakhs cylinders per month for house keeping workers. There is absolutely no documentary evidence in this case

to prove that revision is to be made in every year. There is also nothing to show how the percentage is to be determined for any such revision of wages. In the claim statement as well as in the proof affidavit filed by WW1 it is expressly made clear that the unions are mainly concerned only with the enhancement of wages and incentive. As per Ext. W1 the wage increase given during the three years is upto 3%. As per Ext. W2 it is seen that 10% increase is being given to the wages after a long lapse of time. The percentage of increase of wages as per Ext. W3 is considerably less and no increase is seen made with regard to the incentive. No evidence is adduced by the union to satisfy that it was necessary to have any increase in wages or incentive within a short time after Ext. W2. There is absolutely no evidence in this case to prove that there was increase in the cost of living which requires consideration for a revision. There is also no reliable evidence to prove that there was increase in the work load even through the plea in the claim statement as to the same is countenanced by raising the contention in the written statement that the workload was considerably decreased due to the use of automated machinery. Copy of the Charter of Demands of the unions after the engagement of the management is not produced in this case to know the claim of the enhancement of the wages and other benefits made by the unions. Unions ought to have made demand for the fixation of pay structure after the engagement of the management. Revision can be had only after the fixation of a new wage structure and other benefits. 2nd Union has also failed to prove that any enhancement or revision is to be made with regard to the wage structure and other benefits fixed as per Ext. W2. There is no sufficient pleadings or any satisfactory evidence to hold that it is necessary to have revision of wages, incentives and service conditions of the loading/unloading and housekeeping workers.

13. For the reasons stated above it cannot be held that the demand of the unions of Indane Bottling Plant, Udayamperoor before the contractor for revision of wages, incentive and service conditions of the workers is fair, proper and justifiable.

In the result an award is passed finding that the demand of the unions of Indane Bottling Plant, Udayamperoor, Emakulam before the contractor for revision of wages, incentives and service conditions of loading, unloading and house keeping workers is not fair, proper and justified and hence not entitled to any relief.

The award will come into force one month after its publication in the official gazette.

Dictated to the Personal Assistant, transcribed and typed by her, corrected and passed by me on this the 21st day of September, 2011.

D. SREEVALLABHAN, Presiding Officer

APPENDIX

Witness for the workman :

WW1- P.V. Mani, President, IBP General Workers Union.

Witness for the Management: Nil.

Exhibits for the Workman

- W1 Photocopy of the Memorandum of Settlement dated 23.05.1996 between the Unions and contractor Shri. E.T. Joseph.
- W2 Photocopy of the Memorandum of Settlement dated 18.06.2002 between the Unions and Contractor M/s. C.M. Kunjumammed.
- W3 Photocopy of the Memorandum of Settlement dated 17.02.2005 between the Unions and contractor M/s. Kajax Constructions.
- W4 Photocopy of the Minutes of the meeting convened by the Senior Plant Manager on 07.05.2003.
- W5 Photocopy of the Minutes of the Meeting and Memorandum of Understanding between IOC Management and Trade Union Leaders on 11.12.2002.

Exhibits for the management

- M1 Photocopy of the Letter dated 10.08.2003 sent by the contractor to the Secretaries of the unions and others.
- M2 Photocopy of the Register of wages for the period from April 2003 to April 2004.

नई दिल्ली, 25 नवम्बर, 2011

का.आ. 3736.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार इयूटिज बैंक प्रबंधनत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक मुम्बई के पंचाट (संदर्भ संख्या 32/2011) को प्रकाशित करती है, जो केन्द्रीय सरकार को 25-11-2011 को प्राप्त हुआ था।

[फा सं एल-12012/92/2010-आईआर(बी-1)]

रमेश सिंह, डेस्क अधिकारी

New Delhi, the 25th November, 2011

S.O. 3736.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award Ref. 32/2011 of the Cent. Govt. Indus. Tribunal-cum-Labour Court No. 2, Mumbai No. 2 as shown in the Annexure, in the Industrial dispute between the management of Deutsche Bank and their workmen, received by the Central Government on 25/11/2011.

[No.L-12012/92/2010-IR(B-1)]
RAMESH SINGH, Desk Officer

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL NO. 2, MUMBAI****PRESENT**

K.B. KATAKE
Presiding Officer

REFERENCE NO. CGIT-2/32 OF 2011

**EMPLOYERS IN RELATION TO THE
MANAGEMENT OF DEUTSCHE BANK**

The Managing Director & Head Human Resources
Deutsche Bank AG
3rd floor, Nirlon Knowledge Park
Block B-1
Western Express Highway
Goregaon (E)
Mumbai 400 063.

AND**THEIR WORKMEN**

Shri Gautam Ban
Flat No. 1207/6B
Whispering Palms
Lokhandwala Complex
Kandivli (E)
Mumbai 400 101.

APPEARANCES:

FOR THE EMPLOYER : No appearance.

FOR THE WORKMEN : No appearance.

Mumbai, dated the 24th October, 2011.

AWARD

The Government of India, Ministry of Labour & Employment by its Order No. L-12012/92/2010-IR (B-I), dated 26.05.2011 in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section 2 (A) of Section 10 of the Industrial Disputes Act, 1947 have referred the following industrial dispute to the Tribunal for adjudication:

"Whether the action of the management of Deutsche Bank, Mumbai in terminating the services of Shri Gautam Ban, Ex-Officer (HR) with effect from 17/11/2009 is legal and justified? To what relief the workman is entitled?"

2. Notices were issued to both the parties. However second party though duly served, remained absent. Registered AD receipt to that effect is at Ex-4. The second party workman neither appeared nor filed the statement of claim. Without Statement of claim, the reference cannot be decided on merits. Thus the same deserves to be dismissed. Therefore, I pass the following order:

ORDER

Reference is dismissed for default.

K.B.KATAKE, Presiding Officer/Judge

नई दिल्ली, 25 नवम्बर, 2011

का.आ. 3737.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार भारतीय स्टेट बैंक प्रबंध तंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नागपुर के पंचाट (संदर्भ संख्या 51/2001) को प्रकाशित करती है जो केन्द्रीय सरकार को 25/11/2011 को प्राप्त हुआ था।

[फाइल सं. एल-12012/490/2000-आई आर (बी-1)]

रमेश सिंह, डेस्क अधिकारी

New Delhi, the 25th November, 2011

S.O. 3737.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award Ref. 51/2001 of the Cent. Govt. Indus. Tribunal-cum-Labour Court, Nagpur as shown in the Annexure in the Industrial dispute between the management of State Bank of India and their workmen, received by the Central Government on 25/11/2011.

[No. L-12012/490/2000-IR (B-I)]

RAMESH SINGH, Desk Officer

ANNEXURE**BEFORE SHRI J.P. CHAND, PRESIDING OFFICER,
CGIT-CUM-LABOUR COURT, NAGPUR**

Case No. CGIT/NGP/51/2001

Date: 08.11.2011.

Party No. 1 : The Asstt. General Manager,
State Bank of India, Region—I,
Kingsway, Nagpur—440001.

Versus

Party No. 2 : Shri Kishore Yeshwantrao Vaidya,
R/o C/o G.D. Patle, Nr. Rajesh Typing
Institute, Amgaon—441902
Distt. Gondia

AWARD

(Dated: 8th November, 2011)

In exercise of the powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of section 10 of Industrial Disputes Act, 1947 (14 of 1947) ("the Act" in short), the Central Government has referred the industrial dispute between the employers, in relation to the management of State Bank of India and Shri Kishore

Yeshwantrao Vaidya, for adjudication, as per letter No.L-12012/490/2000-IR (B-I) dated 24.07.2001, with the following schedule:—

"Whether the action of the management of State Bank of India through its Asstt. General Manager, Nagpur, in awarding the punishment of dismissal from service to Shri Kishore S/o Yashwantrao Vaidya, Agri, Assistant at Amgaon Branch, Distt. Gondia is justified? If not, what relief the said workman is entitled?"

2. On receipt of the reference, the parties were noticed to file their respective statement of claim and written statement and accordingly, the workman filed his statement of claim and the management of the State Bank of India (here-in-after referred to as the Party No. 1) filed its written statement.

In his statement of claim, it is pleaded *inter-alia* by the workman that he has passed M.Sc. (Agriculture) and he came to be appointed as an Agricultural Assistant with the State Bank of India on 18.7.1981 and posted to work at Ghatanji and in due course of service, he was posted to Agriculture Development Branch, Amgaon and prior to his joining in the said branch, there was no Agricultural Assistant and the unqualified staff were looking after the work of agricultural development and were thus receiving several benefits and consequence upon his posting, the said staff members were deprived of from such financial benefits and as such, there was dispute between him and other employees and the other employees started creating trouble by making false complaints against him and as a result of such complaints and the conspiracy of Shri Agrawal, the then Branch Manager of the branch he was served with a charge sheet dated 24.1.1998 under the provision of Sastry Award and the charges leveled against him were vague and he was also placed under suspension during the pendency of the enquiry and the entire approach of the management was malafide and the alleged misconducts were not covered by the Industrial Employment (Standing Orders) Act, 1946 and as such, no charge sheet should have been issued and the charges about the incidents dated 8.3.1997, 10.3.1997, 11.3.1997 and 8.7.1997 were barred by limitation and no enquiry could have been conducted in respect of the said incidents and as such, the charge sheet is illegal and during the course of the enquiry, he was not supplied with documents and the copy of the award was also not supplied to him and he was not allowed to be defended by an advocate and therefore, he took the assistance of a co-employee and on the basis of unwarranted and illegal enquiry, the Inquiry Officer submitted his report on 4.12.1999 and the said report is baseless and suffered from non-application of mind and on the basis of such reports, the Assistant General manager on 13.1.2000, issued second show cause notice and on 24.4.2000 (It appears that a wrong date has been mentioned

by the workman in the statement of claim) during personal hearing, he explained his observations about the report but on 22.2.2000, the final order imposing the penalty of discharge from service from the date of suspension *i.e.* 3.2.1998 was passed by the Assistant General Manager and retrospective punishment in unknown to law and being aggrieved by such order, he preferred an appeal to the Deputy General Manager on 25.3.2000, but the Appellate Authority confirmed the order on 31.7.2000. It is also pleaded by the workman that the findings recorded by the Inquiry Officer are totally perverse and the punishment awarded against him is shockingly disproportionate. The workman has prayed for his reinstatement with continuity of service and back wages and all other consequential benefits.

3. The Party No. 1 in its written statement has admitted about the appointment and transfer of the workman as claimed in the statement of claim. It is pleaded by the Party No. 1 that while the workman was working at Taldohi Ballarpur Branch, on 7.8.1984, charge sheet bearing No.M/9/123 was served upon him for various misconduct and after holding enquiry, penalty of stoppage of one increment without cumulative effect was imposed on 15.4.1985 along with the warning that "the employee should, however, note that any further instances of misconduct, on his part, will be suitably dealt with" but there was no improvement in the conduct of the workman and the Branch Manager of Taldohi Ballarpur Branch being dissatisfied with the conduct of the workman, requested the higher authorities for his transfer and in the month of December, 1984, the workman was deputed from Taldohi Ballarpur Branch to Gadchandur Branch for processing the IRDP applications, but he indulged in unwarranted acts, so, he was sent-back to the deputing branch and while he was working at Taldohi Ballarpur Branch, a memorandum dated 6.2.1985 was issued against him for various misconducts, which was culminated into issuing of a caution letter to the workman and in due course, the workman was transferred to Amgaon Branch and by order dated 14.10.1996, he was asked to act as a Teller/Agriculture Assistant, but he refused to follow the said instructions and the Bank did not initiate any stern action against the workman with the hope that he would improve his conduct, but all hopes proved futile and in vain and almost all the entire staff of the Branch complained against his conduct, so the Bank had no alternative than to decide to issue charge sheet against the workman and the workman received the charge sheet on 29.1.1998 and as the continuation of the workman became highly detrimental to the smooth working of the Branch, pending enquiry, he was placed under suspension *vide* order dated 28.1.1998 and the departmental enquiry against him commenced on 21.5.1998 and he admitted to have received the documents and list of witnesses and in the enquiry, he was duly represented by experienced and technically qualified defence representative of his choice and Bank produced

various documents and examined witnesses in support of the charges and the defence representative cross-examined the witnesses at length and the Bank and defence representative submitted written notes of arguments and after considering the entire materials on record, the Inquiry Officer *vide* his report dated 4.12.1999 held the charges leveled against the workman except charge No. 7(c) to have been proved against him and the Disciplinary Authority also duly considered the enquiry report and the entire matter independently and came to the conclusion that the findings of the Inquiry Officer regarding charge No. 7(c) not to be tenable and held that all the charges leveled against the workman to have been proved and on 13.1.2000, issued show cause notice to the workman along with the Inquiry Report and the workman received the show cause notice and the enquiry papers on 17.1.2000 and before passing of final orders, the workman was given personal hearing in respect of the proposed punishment on 24.1.2000 and after taking into consideration all the facts of the case, the Disciplinary Authority showed a compassionate view and reduced the proposed punishment of dismissal to discharge from service *vide* order dated 22.2.2000 and the workman preferred an appeal against the order of the Disciplinary Authority to the Appellate Authority, but his appeal was dismissed on 31.7.2000 by a reasoned order. It is further pleaded by the Party No. 1 that during the first date of enquiry *i.e.* on 21.5.1998, the workman admitted to have received copies of documents and list of witnesses and the copy of the Award is a public document and priced publication and is available in the market and the Bank was not under any obligation to supply the copy of the Award and the workman never sought any permission to be defended by a lawyer and the enquiry was conducted properly and by following the principles of natural justice and the enquiry report is based on materials on record and the findings are not perverse and the punishment is not shockingly disproportionate to the proved serious misconducts of the workman and as such, the workman is not entitled to any relief.

4. As the punishment of dismissal from services was imposed against the workman, after holding of a departmental proceeding, the validity of the departmental proceeding was taken as a preliminary issue for consideration and *vide* order dated 04.01.2011, the departmental enquiry was held to be valid, proper and by following the principles of natural justice.

5. It is necessary to mention here that on 24.05.2011, to which date, the case was fixed for hearing of argument, neither the workman nor his advocate appeared for advancing argument, so argument from the side of the Party No. 1 was heard *ex-parte* against the workman and the case was posted for award. However, on 29.09.2011, advocate for the workman filed the written notes of argument after service of the copy of the same on the advocate for the management and the same was taken on record.

6. In the written notes of argument, it has been mentioned by the learned advocate for the workman that the evidence adduced by the Party No. 1 in the departmental proceedings was insufficient to hold the workman guilty of the charges and the findings based on such insufficient evidence are perverse and the charges were vague and the Enquiry Officer was biased and the evidence of the witnesses examined by the Party No. 1 in the departmental proceeding does not corroborate each other. The learned advocate for the workman in the written notes of argument has mentioned the evidence of the management witnesses in detail to show that the same is inconsistent and basing on such evidence; the Enquiry Officer should not have held the charges to have been proved against the workman.

7. On the other hand, the learned advocate for the Party No. 1 submitted that charge sheet dated 24-01-1998 was issued against the workman containing eight charges for commission of different misconducts and the evidence produced in the enquiry, proved the charges beyond doubt against the workman and the Enquiry Officer has rightly come to the conclusion that all the charges have been proved and the findings are based on the evidence adduced and documents produced by the parties during the enquiry and the punishment imposed against the workman is just and proper and not shockingly disproportionate to the serious charges proved against him in a properly conducted departmental enquiry and as such, the Tribunal has no jurisdiction to interfere with the punishment and the Tribunal is not concerned with the adequacy or reliability of evidence and the Hon'ble Apex Court have held that if there is some legal evidence on which, finding can be based, then adequacy or even reliability of that evidence is not a matter to be canvassed before the Court and the workman is not entitled for any relief.

In support of such contentions, the learned advocate for the Party No. 1 placed reliance on the decisions reported in 1999 SCC (L&S)- 1424 [R.S. Saini *versus* State of Punjab (SC)], 1999 LAB I.C.-3833 (SC) (High Court of Judicature of Bombay *versus* S.S. Patil), AIR 1974 SC-555 (E.P. Royappa *versus* State of Tamilnadu) and many others.

8. It is well settled by the Hon'ble Apex Court in a number of decisions that a disciplinary proceeding is not a criminal trial and the standard of proof required is that of preponderance of probability and not proof beyond reasonable doubt and where there are some relevant materials, which the authority has accepted and which materials may reasonably support the conclusion that the officer is guilty, it is not the function of the Tribunal to review the materials and if the enquiry has been properly held, the question of adequacy or reliability of evidence cannot be canvassed.

9. Apply the principles enunciated by the Hon'ble Apex Court in the decisions relied on by the Party No. 1 to

the present case at hand, it is found that the findings of the Enquiry Officer are based on the evidence adduced in the departmental enquiry and the Enquiry Officer has not taken any extraneous material into consideration to arrive at the findings and the findings are based on proper appreciation and analysis of the evidence adduced in the proceedings. Hence, the findings of the Enquiry Officer cannot be said to be perverse.

10. So far the proportionality of the punishment is concerned; it is found from the record that serious misconducts have been proved against the workman in a properly conducted departmental enquiry. The punishment is no way shockingly disproportionate to the charges leveled against the workman. So, there is no scope to interfere with the punishment. Hence, it is ordered:—

ORDER

The action of the management of State Bank of India through its Asstt. General Manager, Nagpur, in awarding the punishment of dismissal from service to Shri Kishore S/o Yashwantrao Vaidya, Agri., Assistant at Amgaon Branch, Distt. Gondia is justified. The workman is not entitled to any relief.

J.P. CHAND, Presiding Officer

नई दिल्ली, 25 नवम्बर, 2011

का.अ. 3738.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इन्ड्यू सी एल के प्रबंधन के संघट्ट नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नागपुर के पंचाट (संदर्भ संख्या 13/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 25/11/2011 को प्राप्त हुआ था।

[सं. एल-22012/53/2004-आई आर (सीएम-II)]

डीएसएस श्रीनिवास राव, डेस्क अधिकारी

New Delhi, the 25th November, 2011

S.O. 3738.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award Ref. 13/2005 of the Cent. Govt. Indus. Tribunal-cum-Labour Court, NAGPUR as shown in the Annexure, in the industrial dispute between the management of Western Coalfields Ltd., and their workmen, received by the Central Government on 25/11/2011

[No. L-22012/53/2004-IR(CM-II)]

D.S.S. SRINIVASARAO, Desk Officer

ANNEXURE

BEFORE SHRI J.P. CHAND, PRESIDING OFFICER

CGIT-CUM-LABOUR COURT, NAGPUR

Case No. CGIT/NGP/13/2005

Dated: 28.10.2011

Party No. 1 : The General Manager,
Western Coalfields Ltd.,
Pench Area, PO Parasia,
Distt. Chindwara (MP)

Versus

Party No. 2 : Shri G.N. Shah, Chief General Secretary,
Madhya Pradesh Koyla Khadan
Mazdoor Panchayat, PO. Junnardeo,
Distt. Chindwara, (MP)

AWARD

(Dated: 28th October, 2011)

In exercise of the powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of section 10 of Industrial Disputes Act, 1947 (14 of 1947) ("the Act" in short), the Central Government has referred the industrial dispute between the employers, in relation to the management of Western Coalfields Limited and their workman Shri Baijnath, for adjudication, as per letter No.L-22012/53/2004-IR(CM-II) dated 11.01.2005, with the following schedule:—

"Whether the action of the management of the Manager Western Coalfields Limited Pench Area Post-Dungaria Distt. Chindwara (MP) in not providing employment to Shri Baijnath, the dependent son of Shri Gangacharan S/o. Ramdin, Dresser in his place on the ground of medically unfit is legal and justified? If not, to what relief the workman is entitled?"

2. On receipt of the reference, parties were noticed to file their respective statement of claim and written statement, in response to which, the union, "Madhya Pradesh Koyla Khadan Mazdoor Panchayat Union" ("the Union" in short) filed the statement of claim on behalf of Shri Baijnath the ("the applicant" in short) and the management of W.C.L. ("party no. 1" in short) filed the written statement.

3. The case of the applicant as projected by the union, in the statement of claim is that deceased Gangacharan was working under the party no. 1 at Bhomori mine of Western Coal Field Ltd. and he was declared medically unfit on 26.08.1992 and he expired on 02.05.1993 and the applicant, being the dependent son of deceased Gangacharan applied for his employment in 1992, but due to closure of Bhomori mine, his application was kept pending for a long time and lastly, the applicant was asked to appear before the Medical Board for examination on 19.11.1995 and the applicant was not provided with employment, as the Medical Board found him to have crossed the age of 35 years and the applicant is an illiterate man and after a gap of three years from submission of the

application by the applicant, he was medically examined and found to be 36 years of age and as per the age of the applicant mentioned in the LLTC form submitted by Gurucharan, the age of the applicant was 30 years as on 19.11.1995 and as per the certificate given by the panchayat, the age of the applicant was 33 years as on 19.11.1995 and as such, the findings of the Medical Board without any record is not fair and the union took up the case of the applicant in the company level IR meeting at the headquarters of WCL at Nagpur on 27.03.2000 and after a prolong discussion, management offered to grant monetary compensation to the wife of the applicant, but party no.1 did not provide monetary compensation to the wife of the applicant or employment to the applicant.

Prayer has been made either to give employment to the applicant or monetary compensation to his wife with retrospective effect.

4. The party no. 1 in its written statement has pleaded *inter-alia* that WCL is a subsidiary of Coal India Ltd. and is governed by the N.C.W.A. and besides the N.C.W.A., standing orders are also applicable to the employees and in N.C.W.A.-II, which came into effect from 01.01.1979, for the first time provisions were made for giving employment to dependents of the employees becoming medically permanent unfit or employees, who died in service and deceased Gurucharan was working as dresser at Bhomori Colliery, Pench Area and he was examined by the Medical Board as per the provisions of Rule 29(b) of the Mines Rules and he was declared medically unfit form 26.08.1992 and as he was declared medically unfit for further service, he was advised to submit particulars of his dependents, so as to provide employment to them and accordingly deceased Gurucharan requested to provide employment to his son, Baijnath, the applicant of this case and the claim for employment of the applicant was forwarded to the competent authority for approval and approval of the competent authority for employment of the workman was received by the Area management and the applicant was offered appointment subject to medical fitness and the applicant was examined by the Medical Officer of the company under Rule-29 of the Mines Rule and he was found unfit for employment in Mines and the case of the applicant was sent to age verification committee for age verification and the age verification committee consisting of three doctors found the age of the claimant to be more than 40 years as on 15.12.1995 and under the provision of employment for providing employment to dependent, the age should be below 35 years and the IME report in form no. '0' of the applicant was forwarded by the Deputy Chief Medical officer, Barkal Hospital *vide* his letter no. 231 dated 01.02.1996 and for the said reasons, the applicant was not provided with employment and the age as mentioned in LLTC form or certificate of Panchayat cannot be treated as the authenticated age of the applicant and the applicant is not entitled for any relief.

5. In support of their respective claims, both the parties have adduced oral evidence, besides placing reliance on the documentary evidence. G.N. Shaha and Riaz Ahmed Khan have been examined as witnesses no. 1 and 2 respectively on behalf of the applicant, where as one Samir Barla has been examined as a witness on behalf of the party no. 1. The evidence of the witnesses examined by the parties is in the same line of the respective stands taken by the parties in the statement of claim and written statement respectively. It is necessary to mention here that in view of the documentary evidence adduced by the parties and as most of the facts are admitted by the parties, I think that there is no need to discuss the oral evidence adduced by the parties elaborately.

6. Before delving into the merit of matter, I think it necessary to mention the admitted facts of the case. It is admitted by the parties that Gurucharan was working as a dresser at Bhomori colliery, Pench area of WCL and he was declared medically unfit from 26.08.1992 for further service and as per the direction of the management of WCL he had requested to give employment to his dependent son, Baijnath, the present applicant. Though, party no. 1 has claimed that Exhibit M-2 is the application filed by Gurucharan, on perusal of the same, it is found that the same is the application of Baijnath to provide him employment. It will not be out of place to mention here that though it is claimed by the applicant that he filed the application for providing employment sometime in the year, 1992 and has filed exhibit W-2 in support of such claim, from the materials on record, it is found that the applicant actually filed the application on 10.05.1993, which was received by the management in 25.05.1993. Though, exhibit W-2 shows that the same is an application of the applicant for employment and bears the date 30.08.1992, there is nothing on the same to show that the said application was submitted on 30.08.1992 or in the year 1992 and management of WCL received the same. On the other hand, Exhibit M-2 shows that the said application was submitted after 02.05.1993, as in the application, there is mention about the death of Gurucharan on 02.05.1993, which clearly indicates that the application was submitted after 02.05.1993. In Exhibit W-3 shows that the said application was received by the management on 25.05.1993 Exhibit W-6, which is an application filed by the applicant on 15.01.1996 it has been mentioned that the applicant filed the application for employment in 1993. Hence, it is found that the applicant filed the application for employment on 25.05.1993 and that Exhibit W-2 is not a genuine document.

It is also not disputed that the applicant was offered employment subject to medical fitness. It is also not disputed that the applicant was medically examined and the Medical Board examined him on 15.12.1995 and opined his age to be \pm 40 Years. It is also not disputed by the parties that there was and is provision in N.C.W.A. for giving employment to one of the dependents of a workman

who is permanently disabled and the dependents for this purpose, means the wife/husband as the case may be, unmarried daughter, son and legally adopted son and if no such direct dependent is available for employment, brother, widowed daughter/widowed daughter-in-law or son-in-law residing with the employee and almost wholly dependent on the earning of the employee and the dependents to be considered for employment should be physically fit and suitable for appointment and aged not more than 35 years provided that the age limit in case of employment of female spouse would be 45 years.

It is also necessary to mention here that the witness for the party no. 1 has admitted that at per implementation instruction no. 18 of NCWA-II, employment to the dependents is to be given within two months from the date of receipt of the application by the management from the claimant and there is provision in the settlement arrived on 02.11.1992 regarding employment of the dependent within one month from the date of receipt of the application.

7. According to the claim of the party no. 1, though the applicant was offered appointment, he was not appointed on the grounds that he was medically found unfit and as he was found to be more than 40 years of age by the age determination committee consisting of three doctors.

On the other hand, it is claimed by the applicant that he was below thirty five years of age on the date of application and so also on the date of his medical examination and such facts can be found from the form or LLTC submitted by Gurucharan on 04.06.1982 and the certificate granted, by the Panchayat.

8. After going through the record including the evidence, both oral and documentary adduced by the parties and taking into consideration the submissions made by the learned advocate for the parties and the principles enunciated by the Hon'ble Apex court in the decisions, on which reliance has been placed by the learned advocate for the applicant, it is found that the contention raised by the party no. 1 that the applicant was found medically unfit is not at all correct. There is nothing on Exhibit M-3, the report of medical examination under Rule 29(B) that on medical examination, the applicant was found to be medically unfit. Rather, Exhibit M-5 shows that the applicant was examined and declared medically fit by medical committee. Hence, the only question remains for consideration is in respect of the age of the applicant.

According to party no. 1, the age determination committee found the age of the applicant to be more than 40 years on his medical examination on 15.12.1995 and therefore, he was not entitled to employment. It is necessary to mention that party no. 1 has admitted that Gurucharan had submitted an application to give employment to the applicant soon after he was declared medically unfit. Party

No. 1 in the written statement has also admitted that the applicant submitted application for employment in 1993. In spite of submission of such applications, the applicant was not given employment either within one month as per the provision in the settlement dated 02.11.1992 or within two months, as per the provision of implementation instruction no. 18 of NCWA-II, from the date of receipt of the application. It was only on 15.12.1995, the applicant was medically examined.

Moreover, on perusal of the medical examination reports, Exhibit M-3, M-4 and M-5, it is found that the contention of party no. 1 that the age of the applicant was found to be more than 40 years is not at all correct. The said documents reveal that the Medical board gave the opinion that the age of the applicant was 40 years \pm 5 years, on 15.12.1995, which means that the applicant was within 35 years to 45 years of age. The committee did not give any definite age of the applicant. As labour laws are social laws and are meant for the benefit of the weaker section of the society, the opinion given by the committee should have been considered in favour of the applicant and his age should have been held to the just below 35 years of age and more so, in view of the LLTC form submitted by Gurucharan on 04.06.1982, where in the age of the applicant was mentioned as 17 years on 04.06.1982, when there was no controversy regarding the age of the applicant. So the contention of party no. 1 that the age of the applicant was found more than 40 years by the committee is not correct.

9. In view of the materials on record and the discussions made above, it is found that, the action of party no. 1 in not giving employment to the applicant is not legal and justified. The applicant is entitled for employment w.e.f. 15.12.1995, holding his age to be less than 35 years by one day, in absence of any definite evidence regarding the date of birth. Hence, it is ordered:—

ORDER

The action of the management of the Manager Western Coalfields Limited Pench Area Post-Dungaria Distt. Chindwara (MP) in not providing employment to Shri Baijnath, the dependent son of Shri Gangacharan S/o. Ramdin, Dresser in his place on the ground of medically unfit is illegal and unjustified. The party no. 1, management of Western Coalfields Ltd., Pench Area is directed to give employment to the applicant, Baijnath notionally w.e.f. 15.12.1995 taking his date of Birth (age) as one day less than 35 years of age. However, the applicant is not entitled to monetary benefit of any kind till the actual date of joining the service. He will be entitled to wages in accordance with the Rules of WCL from the date of his actual joining in the service. The party no. 1 is directed to give effect to the award within one month from the date of the publication of the award in the official gazette.

J.P. CHAND, Presiding Officer

नई दिल्ली, 25 नवम्बर, 2011

का. आ. 3739.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एफ सी आई के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण संख्या नं. 1, नई दिल्ली के पंचाट (संदर्भ संख्या 190/2011) को प्रकाशित करती है, जो केन्द्रीय सरकार को 25/11/2011 को प्राप्त हुआ था।

[सं. एलू-22012/187/2002-आईआर(सी-11)]

डी. एस. एस. श्रीनिवास राव, डेस्क अधिकारी

New Delhi, the 25th November, 2011

S.O. 3739.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award Ref. 190/2011 of the Cent. Govt. Indus. Tribunal-cum-Labour Court No. 1, New Delhi as shown in the Annexure, in the industrial dispute between the management of food Corporation of India, and their workmen, received by the Central Government on 25/11/2011.

[No. L-22012/187/2002-IR(CM-II)]

D.S.S. SRINIVASA RAO, Desk Officer

ANNEXURE

**BEFORE DR. R.K. YADAV, PRESIDING OFFICER,
CENTRAL GOVT. INDUSTRIAL TRIBUNAL NO. 1,
KARKARDOOMA COURTS COMPLEX, DELHI**

I.D. No. 190/2011

Shri Jagdish,
C/o Hind Mazdoor Sabha,
D-101, Prem Nagar-II,
Near Nag Mandir, 40 Phoota Road,
Nangaloi, Delhi-110041.
Workman

Versus

The Distt. Manager,
Food Corporation of India,
Karnal, Haryana.
Management

AWARD

A Committee, under the Chairmanship of Shri R.S. Panwar, Deputy Manager, was constituted by the Food Corporation of India (herein after referred to as the Corporation) for identification of contract workers, working at Taraori (Karnal) Depot, for their induction in the services of the Corporation. The Committee identified 82 such workers and submitted its report, alongwith the list of the workers, to the Corporation. At serial number 50 of that list name of Jagdish son of Shri Ram Kishan figured. One

Jagdish Chauhan son of Shri Ram Kishan Chauhan was appointed against that name. Claimant made a representation dated 29.1.98 claiming himself to be the person whose name appeared at serial number 50 of the list, referred above. When his representation did not find favours with the Corporation, he raised a dispute before the Conciliation Officer. On failure of conciliation proceedings the appropriate Government referred the dispute to this Tribunal, vide order No. L-22012/187/2002-IR (CM-II), New Delhi dated 8.4.2003, with following terms:

"Whether the action of the management of FCI Taraori (Karnal) in denying appointment letter to Sh. Jagdish S/o Sh. Ram Kishan inspite of the fact that his name figures in the record of registers of the FCI, is legal and justified? If not to what relief the workman is entitled to?"

2. Claim statement was filed by Shri Jagdish son of Shri Ram Kishan pleading that he worked with the Corporation at its Taraori depot since 1990 till 1987. During the year 1995-96 a committee was constituted for identification of workers for their induction in the services of the Corporation. He was physically identified as one of the worker, who worked at the aforesaid depot. His name appeared at serial number 50 of the list, submitted by the Committee. An appointment letter was issued in his name on 22/23 January 1998. However mischievously bio-data of Jagdish Chauhan son of Shri Ram Kishan Chauhan was attached to the said appointment letter. In place of the claimant Shri Jagdish Chauhan was appointed by the Corporation.

3. Representation dated 29.1.98 was made requesting rectification of mistake and issuance of an appointment letter in his favour, pleads the claimant. He also paid personal visit to the Regional Office of the Corporation, but to no avail. Representations dated 23.3.99 and 5.10.99 were made but no fruitful result was achieved. Legal notice dated 16.2.2000 was served. He claims a direction in his favour for appointment in the service of the Corporation from 28.1.1998 with all consequential benefits.

4. Claimed was demurred by the Corporation, pleading that there was no espousal of the dispute, hence it cannot partake character of an industrial dispute. It is claimed that this Tribunal lacks jurisdiction to entertain it. It has been projected that the claimant never worked a Taraori depot of the Corporation. Constitution of a committee for identification of contract workers for induction in the services of the Corporation is not in dispute. It is pleaded that name of Jagdish Chauhan son of Shri Ram Kishan Chauhan was there at serial number 50 of the list and he was appointed in the service of the Corporation. Factum of making representations and service of legal notice are not disputed. Since there was no cause in his favour the claimant was informed that he was not entitled for an

appointment, as claimed. It has been pleaded that his claim is liable to be rejected.

5. On pleadings of the parties, following issue were settled by my Id. Predecessor:

1. Whether the present proceedings are not maintainable for want of requisite espousal by the workers as alleged in the preliminary objection No. 1 of the W.S.? If so its effect.
2. Whether the reference is not maintainable for want of territorial jurisdiction as alleged in preliminary objection No. 2 of the written statement?
3. Whether the claimant is a workman as defined in I.D. Act and there exist relationship of employer and employee between the parties?
4. As per terms of reference?
5. Relief.

6. It would not be out of place to mention that *vide* order No. Z-22019/6/2007-IR, C-II dated 11.2.2008, the case was transferred by the appropriate Government to the Central Government Industrial Tribunal No. 2, New Delhi for disposal and was again retransferred to this Tribunal on 8.7.2011, *vide* order No. Z-22019/6/2007-IR, C-II, dated 30th March, 2011.

7. The claimant has examined himself in the case. Shri Girish Kumar, Deputy General Manager, entered the witness box for the Corporation. No other witness was examined by the either of the parties.

8. Arguments are heard at the bar. Shri S.K. Gupta, authorised representative, advanced arguments on behalf of the claimant. Shri Deepak Diwan, authorised representative, presented facts on behalf of the Corporation. I have given my careful consideration to the arguments advanced at the bar and cautiously perused the record. My findings on issues involved in the controversy are as follows:

ISSUE NO. 2.

9. The Corporation agitates that appointment of contract workers in its service has taken place at Taraori (Karnal) hence this Tribunal has no territorial jurisdiction to entertain the dispute referred to it for adjudication. Claim of employment or non-employment of the claimant also relates to depot at Taraori, which falls in Haryana, asserts the Corporation. On those courts it has been projected that this Tribunal lacks territorial jurisdiction over the subject matter, which it is supposed to adjudicate.

10. The word "jurisdiction" means authority to decide or the legal authority of a court or tribunal to do certain things in the process of adjudication of a list. In the context of the Industrial Dispute Act, 1947 (in short the Act) the word "jurisdiction" may be used in three senses *viz*:

- (i) the jurisdiction by constitution of the tribunal,
- (ii) local jurisdiction of the tribunal, or
- (iii) the jurisdiction with respect to the subject matter of the dispute.

11. An industrial tribunal, being creature of the Act, therefore, its jurisdiction is confined by the Act. the jurisdiction of the tribunal has been limited by the provisions of section 10(4) of the Act to confine its adjudication to "the points specified in the order of reference and matters incidental thereto". The jurisdiction of the tribunal emanates from the order of reference. A reference for adjudication to an industrial tribunal can be made by the appropriate Government. Therefore, if the subject matter of the dispute does not lie within the local limit of the State Government, which makes the reference, the reference will not be competent and the tribunal constituted by such a state government will not be competent to adjudicate upon such a reference.

12. Here in the case, this Tribunal has been constituted by the Central Government, who is the appropriate Government in relation to an industrial dispute concerning the Corporation. The Central Government has jurisdiction on a subject matter which is situated within the territory of any state or union territory. Therefore the fact that the subject matter falls at Taraori depot of the Corporation it would not take it out of the territorial jurisdiction of the Central Government. This Tribunal, being constituted by the Central Government, has jurisdiction on the subject matter which is within the territory of India, over which the Central Government has jurisdiction. Thus it is clear that this tribunal has territorial jurisdiction on the subject matter, which has been referred to it for adjudication. Issue is answered against the Corporation.

ISSUE NO. 1

13. The Corporation agitates that the claimant cannot raise a claim without being espoused by a trade union or by any substantial number of workmen. Since the claimant had raised an individual dispute this Tribunal has no jurisdiction to entertain it. To rebut the contention raised by the Corporation, the claimant project that since a dispute has been referred by the appropriate Government to this Tribunal for adjudication, this Tribunal is under an obligation to answer it on merits. It has been projected that this Tribunal cannot discard the matter on technicalities. However, the claimant opted to adduce no evidence on the issue that his dispute was espoused by a trade union or substantial number of workmen.

14. The appropriate Government, on being satisfied that an industrial dispute exists or is apprehended, may refer it to an Industrial Tribunal for adjudication, enacts clause (d) of sub-section (1) of section 10 of the Act. Therefore, the appropriate Government has to satisfy that

an industrial dispute exists or apprehended between the workmen and their employer. Consequently, definition of the word "industrial dispute" is to be appreciated. Clause (k) of section 2 of the Act defines the word "industrial dispute" in the following manner:

"(k) industrial dispute means any dispute or difference between the employers and employees or between employers and workmen or between workmen and workmen, which is connected with the employment or non employment or the terms of employment or with the conditions of labour, of any person".

15. The definition of the word "industrial dispute" referred above can be divided into four parts viz. (i) factum of dispute, (ii) parties to the dispute, viz (a) employers and employees (b) employers and employees or (c) workmen and workmen, (3) subject matter of the dispute, which should be connected with (i) employment or non employment, or (ii) terms of employment, or (iii) conditions of labour of any person, and (iv) it should relate to an "industry".

16. The definition of the word "industrial dispute" is worded in wide terms and unless it is narrowed by the meaning given to the word "workman" it would seem to include all "employers", "all employments" and all "workmen" whatever nature of the scope of the employment may be. Therefore except in the case where there can be dispute between the employer and employees and workmen and workmen, one of the parties to an industrial dispute must be an employee or a class of employees. The first point, therefore, to be noted, perhaps self evident, is that the phrase "employer and workman", the plural may include singular on either side, or any permutation of singular, the masculine including the feminine. In order, therefore, to determine as to whether a controversy or difference or a dispute is an "industrial dispute" or not it must be determined whether the workman concerned or workmen sponsoring his case satisfy the conditions of clause (s) of section 2 of the Act. Here in the case, the Corporation disputes that the claimant is a workman within the meaning of clause (s) of section 2 of the Act.

17. "Dispute or difference" between "employers and employees" or between "employers and workmen" or between "workmen and workmen" which is connected with the employment or non-employment or the terms of employment or with the conditions of labour, of any person would fall within the ambit of the definition of "industrial dispute". In other words, a dispute or difference must relate to either the employment or non-employment or terms of employment or the condition of labour of any person. Unless a dispute is connected with these matters, it will not satisfy the requirement of law and will not fall within the ambit of an "industrial dispute". However the phrase, "any dispute

*** which is connected with the employment or non-employment *** of any person" is of unqualified width.

18. "Non-employment" is the negative of "employment" and would mean that the dispute of workmen out of service with their employers are within the ambit of definition of "industrial dispute". It may relate to existing employment or to a contemplated employment, or it may relate to an existing fact of non-employment or a contemplated non-employment. In Western India Automobile Association case [1949 (1) LLJ 245] the Federal Court elucidated this point by following illustrations:

- (i) An employer has already employed a person and Trade Union says: "please do not employ him". Such a dispute is a dispute as to employment or in connection with employment.
- (ii) An employer gives notice to a Union that he wishes to employ two particular persons. The Union says: "No". This is a dispute as to employment. It arises out of the desire of the employer to employ certain persons.
- (iii) An employer may dismiss a man or decline to employ him. This matter raises a dispute as to non-employment.
- (iv) An employer contemplates turning out employees who are already in his employment. It is a dispute as to contemplated "non-employment".

19. The failure to employ or refusal to employ are actions on the part of the employer which would be covered by the term "employment or non-employment". Though "refusal to employ" is not specified in the Second or the Third Schedule to the Act, it would be covered by the residuary item in the Second Schedule, viz item No. 6 "all matters other than those specified in the Third Schedule". Hence, this Tribunal will have jurisdiction to adjudicate on an "industrial dispute" arising out of the "refusal" of an employer to employ a person who is entitled to work. See *Naihati Electric Supply Co.* [1974(II) LLJ. 179], *Crompton Engineering, Madras (Pvt.) Ltd.* [1975(I) LLJ. 207] and *Management of Ramakrishna Oil Mills, Erode* (1989 Lab. I.C. 1524).

20. The expression "any person" in the end of the definition of "industrial dispute" is not subject to any qualification, restriction or limitation as to its scope. The word 'person' has not been limited to a "workman" nor it is co-extensive with "any workman", potential or otherwise. It, therefore, cannot exclude an outsider. See *Vijay Kumar Mills* [1964 (II) LLJ. 399]. In *N.K. Sen* [1953(I) LLJ. 6] the Bombay High Court expounded the crucial test of direct and substantial interest of the workmen in employment, non-employment or the terms of employment or conditions of labour of the person concerned and further ruled that in the absence of such interest no industrial dispute could be

raised with regard to such a person. This test was approved by the Apex Court in *Dimakuchi Tea Estate* [1958 (I) LLJ 500] and subjected the construction of the expression 'any person' to the following two limitation: (i) The dispute must be a real dispute between the parties, and (ii) The person regarding whom the dispute is raised must be one in whose employment, non-employment, terms of employment or conditions of labour, the parties to the dispute have a direct or substantial interest.

21. The decision in *Dimakuchi Tea Estate* (supra) was approved by a longer Bench of five judges in *Dahinageapar Tea Estate* [1958 (II) LLJ 498]. In *Kyas Construction Company (Pvt.) Ltd.* [1958 (2) LLJ 660] Apex Court ruled that an industrial dispute need not be a dispute between the employer and his workman and that the definition of the expression "industrial dispute" is wide enough to cater a dispute raised by the employer's workman with regard to non employment of others, who may not be employed as workman at the relevant time thus it is not expedient that the dispute must relate to a workman and only than it can partake character of an industrial dispute. If the dispute is real and the person in whose employment, non-employment, terms of employment or conditions of labour the parties to the dispute have a direct or substantial interest, it would be an industrial dispute, despite the fact that person was not a workman.

22. The Apex Court in *Bombay Union of Journalists* [1961 (II) LLJ 436] has observed that in each case in ascertaining whether an individual dispute has acquired the character of an industrial dispute, the test is whether at the date of reference, the dispute was adopted by the union of the workmen of the employer against whom, the dispute is raised by an individual workman or by an appreciable number of workmen. In order, therefore, to convert an individual dispute into an industrial dispute, it has to be established that it has been taken up by the Union of employees of the establishment or by an appreciable number of the employees of the establishment. As far as union of the workmen of establishment itself is concerned, the problem of espousal by them generally presents little difficulty, since such workmen who are members of such unions generally have a continuity of interest with an individual employee who is one of their fellow workmen. But difficulty arise when the cause of workman, in a particular establishment is sponsored by a union which is not of the workmen of that establishment but is one of which membership is open to workmen of their establishment as well as in that industry. In such a case a union, which has only microscopic number of the workmen as its member, cannot sponsor any dispute arising between the workmen and the management. A representative character of the union has to be gathered from the strength of the actual number of co-workers sponsoring the dispute. The mere fact that a substantial number of workmen of the establishment in which the concerned workman was

employed were also members of the union would not constitute sponsorship. It must be shown that they were connected together and arrived at an understanding by a resolution or by other means and collectively submitted the dispute.

23. The expression "industrial disputes" has been construed by the Apex Court to include individual disputes, because of the scheme of the Act. In *Raghu Nath Gopal Patvardhan* [1957(1) LLJ 27] the Apex Court ruled as to what dispute can be called as an industrial dispute. It was laid thereon that (1) a dispute between the employer and a single workman cannot be an industrial dispute, (2) it cannot be per-se be an industrial dispute but may become if it is taken up by a trade union or a number of workmen. In *Diarampal Prem Chand* [1965 (1) LLJ 668] it was commanded by the Apex Court that a dispute raised by a single workman cannot become an industrial dispute unless it is supported either by his union or in the absence of a union by substantial number of workmen. Same law was laid in the case of *Indian Express Newspaper (Pvt.) Limited* [1970 (1) LLJ 132]. However in *Western India Match Company* [1970 (II) LLJ 256], the Apex Court referred the precedent in *Dimakuchi Tea Estate's* case (supra) and ruled that a dispute relating to "any person becomes a dispute where the person in respect of whom it is raised is one in whose employment, non employment, terms of employment or conditions of labour, the parties, dispute for a direct or substantial interest".

24. What a substantial or considerable number of workmen would be in a given case, depend on particular facts of the case. The fact that an "industrial dispute", is supported by other workmen will have to be established either in the form of a resolution of the union of which workman may be member or of the workmen themselves who support the dispute or in any other manner. From the mere fact that a general union, at whose instance an "industrial dispute" concerning an individual workman is referred for adjudication, has on its roll a few of the workmen of the establishment as its members, it cannot be inferred that the individual dispute has been converted into an "industrial dispute". The Tribunal has therefore, to consider the question as to how many of the fellow workman actually espoused the cause of the concerned workman by participating in the particular resolution of the union. In the absence of a such a determination by the Tribunal, it cannot be said that the individual dispute acquired the character of an industrial dispute and the Tribunal will not acquire jurisdiction to adjudicate upon the dispute. Nevertheless, in order to make a dispute an industrial dispute, it is not necessary that there should always be a resolution of substantial or appreciable number of workmen. What is necessary is that there should be some express or collective will of a substantial or an appreciable member of the workmen treating the cause of the individual workman as their own cause. Law to this effect was laid in

P. Somasundrameran [1970 (1) LLJ 558].

25. It is not necessary that the sponsoring union is a registered trade union or a recognized trade union. Once it is shown that a body of substantial number of workmen either acting through a union or otherwise had sponsored the workman's cause, it is sufficient to convert it into an industrial dispute. In *Pardeep Lamp Works* [1970 (1) LLJ 507] complaints relating to dispute of ten workmen were filed before the Conciliation Officer by the individual workmen themselves. But their case was subsequently taken up by a new union formed by a large number of co workman, if not a majority of them. Since this union was not registered or recognized, the workmen elected five representatives to prosecute the cases of ten dismissed workmen. Thus cases of the dismissed workmen were espoused by the new union, yet unregistered and unrecognized. The Apex Court held that the fact that these disputes were not taken up by a registered or recognized union does not mean that they were not "industrial dispute".

26. It is not expedient that same union should remain in-charge of that dispute till its adjudication. The dispute may be espoused by the workmen of an establishment, through a particular union for making such a dispute an "industrial dispute", while the workman may be represented before the Tribunal for the purpose of section 36 of the Act by a member of executive or officer bearer of altogether another union. The crux of the matter is that the dispute should be a dispute between the employer and his workmen. It is not necessary that the dispute must be espoused or conducted only by a registered trade union. Even if a trade union ceases to be registered trade union during the continuance of the adjudication proceedings that would not affect the maintainability of the order of reference. Law to this effect was laid by the High Court of Orissa in *Ganmon India Limited* [1974 (11) LLJ 34]. For ascertaining as to whether an individual dispute has acquired character of an individual dispute, the test is whether on the date of the reference the dispute was taken up as supported by the union of the workmen of the employer against whom the dispute is raised by the individual workman or by an appreciable number of the workman. In other words, the validity of the reference of an industrial dispute must be judged on the facts as they stood on the date of the reference and not necessarily on the date when the cause occurs. Reference can be made to a precedent in *Western India Match Co. Ltd.* (supra).

27. Industrial law makes it clear that an individual dispute would not be an industrial dispute. For acquiring status of an industrial dispute, an individual dispute should be taken up by a trade union or a substantial number of workmen of the establishment. Reference can be made to the Precedent in *Raghu Nath Gopal Patvardhan* [1957 (1) LLJ 27] and *Shri Ram Tiwari* (1979 Lab. I.C. 513). This decision of law created hardship for an individual workman

who were discharged, dismissed, retrenched or whose services were otherwise terminated when they could not find support by a union or any appreciable number of workman to espouse their cause. Section 2-A of the Act was engrafted by the Legislature and it has to be read as an extension of the definition of "industrial dispute" as contained in clause (k) of section 2 of the Act. Provisions of section 2-A of the Act do away with the requirement of espousal of an individual dispute for converting it into an industrial dispute in cases where the dispute arises out of (i) discharge (ii) dismissal (iii) retrenchment, or (iv) otherwise termination of service of an individual workman. By introducing the legal fiction that the dispute of an individual workman connected with or arising out of his discharge, dismissal, retrenchment or otherwise termination of his services by his employer will constitute an industrial dispute notwithstanding that no other workman nor any union of workman is a party to the dispute, the definition of word "industrial dispute" has been enlarged. After enactment of section 2A of the Act it is not necessary that a dispute relating to discharge, dismissal, retrenchment or otherwise termination of services of a workman must be sponsored by a trade union or a substantial number of workmen. In other words, even if it is not sponsored by a trade union or substantial number of workmen such a dispute will be deemed to be an industrial dispute. Therefore, such a dispute can either *ipso facto* be deemed to be an industrial dispute on a demand made by the workman himself or by espousal of the dispute by a trade union or a body of workmen.

28. Now I would turn to the facts of the present controversy to assess as to whether the dispute is an individual dispute or an industrial dispute. In his affidavit Ex. WW1/A the claimant draws a blank on the issue that his dispute was adopted by a union of the workmen of the Corporation. He had also not put forward a case that his claim was espoused by a substantial number of workmen. It is not a case relating to discharge, dismissal, retrenchment or otherwise termination of services of the claimant. Therefore, it is evident that no evidence worth name was projected by the claimant to show that his dispute was espoused by a recognized trade union of the establishment of the Corporation or by a substantial number of workmen. It is not a case which acquires a character of an industrial dispute by use of legal fiction enacted in section 2-A of the Act. It has not been shown that substantial number of the workmen were having direct and substantial interest in the employment, terms of employment or conditions of labour of the claimant in the service of the Corporation. All these factors make it evident that the dispute projected by the claimant before the Conciliation Officer had not acquired a character of an industrial dispute, without being espoused by a recognized union of the establishment of the Corporation or substantial number or workmen. Individual dispute raised by the claimant cannot be referred for

adjudication Consequently it is concluded that an individual dispute was referred by the appropriate Government to this Tribunal for adjudication. Issue is, therefore, answered in favour of the Corporation and against the claimant.

ISSUE NO. 3, 4 AND 5.

29. For referring an industrial dispute to adjudication, the appropriate Government should satisfy itself, on the facts and circumstances brought to its notice, in its subjective opinion that an industrial dispute exists or is apprehended. The factual existence of a dispute or its apprehension and expediency of making a reference are matters entirely for the Government to decide. An order making a reference is an administrative act and the fact that the Government has to form an opinion as to the factual existence of an industrial dispute as a preliminary step to the discharge of its function does not take it out of administrative function of the Government. The adequacy or sufficiency of material on which opinion was formed is beyond the pale of judicial scrutiny.

30. However the appropriate Government has no jurisdiction to refer an individual dispute for adjudication. Since an individual dispute was referred, this Tribunal has no jurisdiction to entertain it. Accordingly the Tribunal refrains its hands from adjudication of this individual dispute for which the appropriate Government was not competent to make a reference. Reference order is answered, accordingly. Award passed, in terms of above reasons, be sent to appropriate Government for publication.

Dr. R.K. YADAV, Presiding Officer

नई दिल्ली, 28 नवम्बर, 2011

का.आ. 3740.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसार में केन्द्रीय सरकार केनरा बैंक के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, कानपुर के पंचाट (संदर्भ संख्या 16/2006 ---) को प्रकाशित करती है जो केन्द्रीय सरकार को 21-11-2011 को प्राप्त हुआ था।

[सं. एल-12012/122/2005-आई आर (बी-II)]

शीश राम, अनुभाग अधिकारी

New Delhi, the 28th November, 2011

S.O. 3740.—In pursuance of Section 17 of the Industrial Disputes Act, 1947, the Central Government hereby publishes the Award (*Ref. No. 16/2006*) of the Central Government Industrial Tribunal/Labour Court, KANPUR now as shown in the Annexure in the Industrial Dispute between the employers in relation to the

management of CANARA BANK and their workman, which was received by the Central Government on 21/11/2011.

[No. L-12012/122/2005-IR(B-II)]

SHEESH RAM, Section Officer

ANNEXURE

BEFORE SRI RAM PARKASH, HJS, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT, KANPUR

Industrial Dispute No. 16 of 2006

Sri Netra Pal Singh,
Son of Sri Rewati Prasad,
C/o Sri K. C. Saxena,
2/4 Mathura Nagar,
Near Railway Station,
Aligarh.

And

The Deputy General Manager,
Canara Bank,
Disciplinary Action Cell,
Circle Office,
Gomti Nagar,
Lucknow-226010

AWARD

1. Central Government, Mol, New Delhi *vide* Notification dated L-12012/122/2005-IR (B-II) dated 20.02.2006, has referred the following dispute to this tribunal for its adjudication—

2. Whether it is a fact that Sri Netra Pal Singh was engaged as a waterman/peon during the period from 13.05.86 to 10.08.04 by the management of Canara Bank at their Akharabad Branch? If so whether the action of the management of Canara Bank in terminating Sri Netra Pal Singh from service from 10th August, 2004, and at the same time engaging his juniors is legal and justified? (If not what relief the workman concerned is entitled to)?

3. Brief facts are—

4. It is alleged by the Claimant Sri Netra Pal Singh that he was employed as a water boy cum peon as daily rated worker on 13.5.86 at Akharabad Branch District Aligarh of Canara Bank and he worked till 10.08.04 continuously. He was employed through employment exchange. Thus he worked for about 18 years continuously in the Akharabad District Aligarh branch of the opposite party bank. It is also alleged that the claimant had worked with sincerity and honestly without giving any room of complaint to his superiors. When he asked the opposite party that he should be made permanent and payment be made accordingly, on this the opposite party all of sudden removed him from service on 10.08.04 in an illegal manner. Before removal he was not served with any notice pay or retrenchment compensation. Thus the opposite party has committed the breach of the provisions of section 25F and G of the

Industrial Disputes Act, 1947. It is also alleged that the opposite party had also not paid his wages for the 10 days before his removal. It is alleged that in the year 2004 he was getting a consolidated pay of Rs. 500/- and that he has also completed for more than 240 days of continuous service.

5. He raised the dispute before the ALC wherein the opposite party has accepted his salary of Rs. 500/- per month and also accepted the claimant was engaged as part time employee at the above branch of the bank.

6. Lastly it has been prayed by the claimant that the termination of his service be declared as bad in law and he be directed to be reinstated in service with full back wages and all consequential benefits.

7. Opposite party has filed written statement wherein it is stated that the concerned claimant was never appointed as water boy or peon. In fact there has been no post of water boy in the bank. In fact he was not appointed even as daily rated casual worker, but was engaged for time to time intermittently during summer season that is from April to September for supply of water to the customer of the bank. The claimant has also not undergone any procedure prescribed for recruitment of regular employee. It is denied that the claimant was continuously working for 18 years at Akhrabad and Vijai Garh branch of the bank till 10.08.04. As he was never appointed the question of payment of salary or his confirmation does not arise. It is also denied that the claimant was illegally retrenched with effect from 10.08.2004. So there is no question of violation of section 25F and 25G of the Act. It is denied that the claimant has worked in the bank or more than 240 days in a calendar year. The fact is that the claimant had supplied water in the branch during summer season and for which he was paid at the rate of Rs. 500/- per month.

8. It is stated that the bank has stated before the ALC is that the claimant had supplied water to the Akhrabad branch of the bank in the year 2002 during April to September and also during May & June 2004 for which he was paid Rs. 500/- per month. It is stated that the claimant is not entitled to any relief either of regularization, payment of full salary or confirmation etc. Therefore, the claim of the claimant is liable to be rejected.

9. Both the parties have filed oral as well as documentary evidence.

10. Claimant has adduced himself as w.w.1. Opposite party has adduced Sri M. H. Khan Senior Manager Canara Bank as M.W.1.

11. Heard and perused the record.

12. The reference is in two parts e.g., first part is whether he was engaged as a waterman peon during the period from 13.5.86 to 10.08.04 by the opposite party bank at their Akharabad Branch.

13. The claimant has stated on oath that he was engaged by the opposite party as a water boy. His engagement was through employment exchange. He was called for interview and he appeared in the interview. He has shown his original certificate during the interview and thereafter he was asked to work in Akharabad Branch and he was being paid Rs. 5/- per day at that thereafter he was being paid Rs. 23/- per day and in the last he was getting Rs. 500/- per month and thereby he worked from 13.5.86 to 10.08.04. He worked continuously for more than 240 days in a calendar year and he was also paid bonus during that period and also he was being paid his salary through printed receipt on which his signature was obtained.

14. Claimant has proved paper ext. w-1 written by Canara Bank to Employment Exchange regarding the working of 42 days during the period 1990-91. Paper Ext W-2 is a letter from Canara Bank to the workman showing payment of one day for 5.7.88. Paper Ext. @-3 is a letter by bank to the claimant regarding selection of his as daily rated worker. This is dated 16.09.92 wherein in he was asked to appear in interview on 25.09.92. Ext W-4 is also a letter of Canara Bank dated 2.3.91, issued to the claimant regarding recruitment of daily wager showing your name (Netra Pal Singh) has been sponsored by the District Employment Exchange for the post. Hence you are requested to come for interview on 9.3.91. Paper no. 9/7 is also a paper issued by employment exchange to the opposite party showing that the workman Netra Pal Singh had worked in the bank for 42 days.

15. He has stated that in reference to paper no. 9/4 and 9/7 the originals are in the custody of the opposite party.

16. In this case the claimant has moved an application for summoning the records from the opposite party and my learned predecessor has passed a detailed order on 31.07.2007 wherein it was mentioned that the claimant has also been paid bonus for the period 1987-88, 88-89 and 89-90. Opposite party was also required to produce debit slips and credit slips and thereafter on several dates opportunity was granted to the management and also apart from that a heavy cost was imposed on the management. But after availing of sufficient opportunity opposite party only filed some of the debit slips vide list 16/1 and these are no 19 debit slips showing the period from 17.5.86 to 1.6.04. It shows that the workman was engaged in the year 1986 as is claimed by the claimant that he was engaged on 13.5.86 and this fact appears to be believable and he stated that he was removed on 10.8.04. Last debit slip has been filed is dated 01.6.04.

17. Now had the opposite party would have filed the cash books for the relevant period then it could have been easy to ascertain whether the claimant was working continuously or not during the above period. Opposite party has not denied his engagement but stated that he

was engaged in between April to September for supply of water. Opposite party also claims that they employ or engage a person through following a prescribed procedure. It is established that the worker was engaged during the period 1986 to 04. During arguments the authorized representative for the opposite party did not controvert the fact that the name of the complaint was not called from the employment exchange. If the case of the opposite party is that he was engaged for a specific period and for specific purpose then it was easy for the opposite party to produce the record of the employment exchange when the claimant was engaged but they did not produce such a record.

18. Therefore under these circumstances of the case the tribunal is bound to draw an adverse inference against the opposite party bank that they have deliberately withheld the relevant records with the sole purpose that had these records been placed before the tribunal the workman could have been able to prove his case that he was selected and engaged after exercising the recruitment process and also that he had worked for more than 240 days continuously prior to his retrenchment.

19. Claimant has been thoroughly cross examined by the management and nothing has come out in his statement which may make his statement unreliable. Even no cross has been done on the point that he was not paid bonus during the period 1987-88-90 which was also an order of the court passed on 31.07.07.

20. I have examined the statement of M.W.1 and his statement is not clinching because his statement could be proved by documentary evidence and since no documents have been filed by the opposite party therefore the tribunal feels that the evidence of the management witness cannot be relied upon for any purpose.

21. M.W.1 has admitted in his cross examination that Sri Netra Pal was paid during the period April to May 2004 and that too Rs. 500/- per month. But the management did not file the relevant record of this period which shows that the management deliberately withholding the relevant records with a view to frustrate the claim of the claimant.

22. M.W.1 further admitted the fact in his cross examination that he is not in a position to state anything before 16.08.02 regarding the engagement of claimant of the claimant. Specific question was put to him that there was an order of 31.07.07 of the tribunal to produce the relevant record and why he did not produce the same. He expressed his ignorance with regard to any such orders passed by this tribunal.

23. There was a question put to him which is the last question by the authorized representative for the workman to the witness. This question was placed before the management witness in a negative way to the effect that the workman had not worked for 240 days continuously. I have examined this fact and this shows the ignorance of

putting a question of the authorized for the claimant. It has been observed by the tribunal that most of the workers are illiterate and not qualified and likewise their representatives do enjoy the same status and thereby they cannot be supposed to be well acquainted with the recognized procedure of cross examining a witness before a court of law.

24. But it is obligatory on the part of the tribunal/court to consider all the aspect of the case. A statement is to be read as a whole but not in isolation.

25. When the claimant has been successful to prove that he was engaged continuously and he worked continuously and that he was also being paid bonus now a heavy burden shifts on the shoulder of the opposite party to contradict the facts of the claimant but they have failed to discharge their burden. They have withheld the original records from the tribunal despite orders deliberately. In my view bonus is normally paid to the temporary or regular employee the same cannot be paid to a casual or daily rated worker.

26. Therefore after considering the overall facts and circumstances of the case the tribunal is of the opinion that the claimant had worked continuously more than 240 days preceding the date of his retrenchment.

27. Having concluded the same it is further held that in the evidence as well as in the pleadings it has come that the claimant has not been paid any notice, notice pay or retrenchment compensation, therefore it is held that the removal/retrenchment of the claimant from the service of the bank with effect from 10.08.04 is in violation of the mandatory provisions of section 25F of Industrial Disputes Act.

28. There is one more part in the reference that while terminating the services of the claimant and at the same time engaging his junior by the opposite party is legal and justified.

29. In this respect the claimant has stated that Sri Lokendra Pal Singh was also engaged in the same way as he was engaged and he is still working. He has filed the paper no. 9/8 to 9/17. I have examined this paper and this is a copy of the award of this tribunal and the notification delivered on 02.06.06 in the case of Lokendra Pal Singh.

30. Opposite party has opposed the contention of the claimant arguing that claimant cannot take the benefit of award rendered by this tribunal in the case of Lokendra Pal Singh. Opposite party has also contended that the claimant has not taken any such plea in his pleadings regarding engagement of his junior.

31. I have gone through the contention raised by the claimant. There does not appear to be any legal force in this contention.

32. For the reasons discussed above I hereby conclude and record my finding that the reference is decided in favor of the claimant and against the opposite party by holding that the claimant is entitled to be reinstated in the service of the opposite party from the date from which he was removed with 50% of back wages and all consequential benefits.

33. Reference is therefore answered accordingly.

RAM PARKASH, Presiding Officer

नई दिल्ली, 28 नवम्बर, 2011

का.आ. 3741.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार सेंट्रल बैंक ऑफ इंडिया के प्रबंधन के संबद्ध नियोक्ता और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण/श्रम न्यायालय, पटना के संसाट संदर्भ संख्या 70 (सी) 2008, को प्रकाशित करती है जो केन्द्रीय सरकार को 21-11-2011 को प्राप्त हुआ था।

[सं. एल-12011/20/2008-आई आर(बी-II)]

शीश राम, अनुभाग अधिकारी

New Delhi, the 28th November, 2011

S.O. 3741.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award Ref. 70 (C)/2008 of the Industrial Tribunal, PATNA (BIHAR) as shown in the Annexure, in the industrial dispute between the management of CENTRAL BANK OF INDIA, and their workmen, received by the Central Government on 21.11.2011.

[No. L-12011/20/2008-IR(B-II)]

SHEESH RAM, Section Officer

ANNEXURE

**BEFORE THE PRESIDING OFFICER,
INDUSTRIAL TRIBUNAL
SHRAM BHAWAN, BAILEY ROAD, PATNA**

Reference Case No. 70(C) of 2008

Between the management of Central Bank of India, Regional Office Bihar Talab, Rameshwar Path Gaya and their workman Sri Ratan Lal Mandal, represented by the General Secretary, Bihar State Central Bank Employee's Union, Central Office, 2nd Floor, B. Block, Mourya Lok Complex, Patna (Bihar).

For the Management :

Sri P.K. Nagbanshi, Representative of
Central Bank of India.

For the Workman :

Shree Nath Singh, General Secretary, Bihar
State Central Bank Employee's Union.

Present :

Harish Chandra Singh,
Presiding Officer, Industrial Tribunal, Patna

AWARD

Patna, dated the 25th October, 2011.

By adjudication order No. L-12011/20/2008-IR(B-II) dated 06.06.2008, the Govt. of India, Ministry of Labour, New Delhi under clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (hereinafter called 'the Act' for brevity) has been referred the following dispute between the management of Central Bank of India, Regional Office, Bihar Talab, Rameshwar Path, Gaya and their workman Sri Ratan Lal Mandal, represented by the General Secretary, Bihar State Central Bank Employee's Union, Central Office, Mourya Lok Complex, Patna for adjudication to this Tribunal:

"Whether the action of the management of Central Bank of India, Regional Office, Gaya in inflicting punishment upon Sri Ratan Lal Mandal forfeiting his special functional allowance in the departmental proceedings and transferring him from Munger to Khagaur Branch in the decision making process and not maintaining status quo as per the provisions of I.D. Act is legal and justified? If not what relief the workman is entitled to?"

2. The case of the workman as stated in his statement of claim is that he was posted as Head Cashier E at Munger Branch of Central Bank of India at the relevant time. He was also Assistant General Secretary of Union. In his capacity as Assistant General Secretary of Union he lodged a complaint against the Branch Manager, Sri V.B. Prasad, regarding his anti institutional and corrupt activities. The then Regional Manager and the then Zonal Manager did not take any action against the Branch Manager on the basis of the complaint. To the contrary workman Sri Ratan Lal Mandal was implicated with false allegations. He was served memo dated 24.1.2004. His reply to the memo was not found satisfactory and he was served charge sheet and later on supplementary charge sheet. The Domestic Enquiry was not held fairly and properly. The Enquiry Officer was in favour of the management and acted as agent of the management. Certain documents filed by the defence and marked Exts. Dex-1 to Dex-7 were removed from the proceeding at the dictate of the Regional Manager. Further the case of the workman is that the Enquiry Officer was biased and his findings were perverse in nature. There was a demand for the change of Enquiry Officer, but it was not headed. It is further alleged that the defence witnesses during the cross-examination were threatened. However defence witnesses deposed before the Enquiry Officer formally and made truthfull statement. However while giving his findings the Enquiry Officer did not take into consideration the deposition of defence witnesses. Further

the case of the workman is that the domestic enquiry was conducted against the rules of holding the Departmental Enquiry. The report of the Enquiry Officer was submitted at the dictate of the Regional Manager. All this was done by the Disciplinary Authority to save the corrupt Branch Manager and to punish the workman to tarnish his image as a Trade Union Leader. Further the case of the workman is that he was transferred from one station to another on Administrative Ground. Such transfer can be made only in case of re-deployment of Staff from surplus station to deficit station for which re-deployment allowance of Rs. 400/- is payable. Workman on his transfer and punishment raised an industrial dispute through his Union *vide* letter dated 23.1.2006 before Assistant Labour Commissioner (Central), Patna, A.L.C. (C) issued notice dated 24.1.2006 which was received by the Bank on 25.1.2006. The Zonal Manager, Central Bank of India, Patna after receiving a copy of notice sent a fax dated 25.1.2006 to the Regional Manager, Central Bank of India, Gaya and the Branch Manager, Central Bank of India, Manager for maintenance of status-que as per I.D. Act. But the Branch Manager, Central Bank of India, Munger disobeyed the provisions of law and issued transfer order of the workman from Munger to Khagaur Branch, changing his status from Head Cashier E to a Clerk. This is case of violation of Section 33 of I.D. Act. Further the workman filed a reply to the written statement of the management. In this reply also it has been repeated that the workman was victimised on the basis of the frivolous and false complaint by the Sr. Manager only because he made complaint against Sr. Manager. When they considered that the first charge sheet was not sufficient, they issued supplementary charge sheet. Again it has been repeated that the workman was victimised for his Trade Union activities.

3. The case of the management has been stated in written statement. The case of the management is that the workman Sri Ratan Lal Mandal was posted as Head Cashier E at Munger Branch. On 24.1.2004 he was served memo dated 24.1.2004 for his acts of omissions and commissions. His reply to the memo was found unsatisfactory and the management decided to hold departmental enquiry as such charge sheet dated 29.3.2004 was issued. Further supplementary charge sheet dated 31.12.2004 was also issued against him. This supplementary charge sheet was issued against another memo dated 18.9.2004 about which the reply of the workman was found unsatisfactory. The workman was afforded full opportunity to defend himself before the enquiry having appointed a Defence Representative of this choice. Evidence were produced from both sides. Findings were given by the Enquiry Officer after appreciation of evidence produced on behalf of both sides and also on the basis of materials and Exts. brought on record by the parties. In his findings the Enquiry Officer found that the charges against the workman were proved. Before passing the final order the Disciplinary Authority

furnished a copy of findings of the Enquiry Officer to the workman and gave him personal hearing and also opportunity to submit his written statement/argument. The Disciplinary Authority after due and careful consider of the materials on record agreed with the findings of the Enquiry Officer and found the charges as proved against the workman and passed the final order of the punishment. The resultant consolidated punishment of withdrawal of Special Pay in terms Clauses. 6(G) of Memorandum of Settlement dated 10.4.2002 was awarded against the workman with immediate effect. In their pleadings the management denied the allegations against the Branch Manager Sri V.B. Prasad, the then Regional Manager and the then Zonal Manager. About defence Exts. No. 1 to 7 it has been stated that these documents were marked Ext. but later on Presenting Officer raised question of relevancy. Having heard the Presenting Officer and Defence Representative also the Enquiry Officer was of the view that only defence Ext. 1 was relevant to the charges framed against the workman. Therefore defence Exts. No. 2 to 7 were deleted from the list of defence Exts. It has been stated that the workman was given full opportunity to cross-examine the witnesses of the management. Defence Representative was afforded full and fair opportunity to defend the workman. No defence witness was ever tried to be influenced or threatened by the management. About transfer of the workman it is pleaded that he was transferred on Administrative ground only and not under the policy of re-deployment of staff so the question of payment of allowance of Rs. 400/- did not arise. The transfer order was dated 20.1.2006 and the service of the transfer order was effected upon the workman on 20.1.2006 itself and he was relieved from Munger branch to proceed on transfer on 20.1.2006 *i.e.* much before the date on which industrial dispute was raised before Additional Labour Commissioner, Central. There is no question of violation of sec. 33 of the Industrial Disputes Act.

4. On the basis of terms of reference, statement of claim of the workman and written statement of the management following questions arise in this reference for decisions:—

- (i) whether the departmental proceeding against Sri Ratan Lal Mandal, workman was conducted fairly and properly?
- (ii) whether the action of the management in inflicting punishment of forfeiting special pay on Sri Ratan Lal Mandal is legal and justified?
- (iii) whether the action of the management transferring Sri Ratan Lal Mandal from Munger Branch to Khagaur Branch, in the decision making process is legal and justified?
- (iv) whether the action of the management not maintaining status que as per provisions of I.D. Act,

is legal and justified?

(v) To what relief Sri Ratan Lal Mandal is entitled to?

5. Question Nos. (i) & (ii):— Admitted case is that at the relevant time the workman Ratan Lal Mandal was posted as Head Cashier E at Munger Branch of Central Bank of India. On 24.1.2004 he was served a memo regarding his acts of omissions and commissions. He filed a reply which was found unsatisfactory and a charge sheet dated 29.3.2004 was served upon him and a departmental proceeding was started against him. Another memo dated 18.9.2004 was served upon him regarding his acts of omissions and commissions. Reply to this show cause was also found unsatisfactory and supplementary charge sheet dated 31.12.2004 was served upon him. The departmental proceeding proceeded on the both charge sheet *i.e.* charge sheet dated 29.3.2004 and the charge sheet dated 31.12.2004. After enquiry the Enquiry Officer submitted his findings dated 17.10.2005. The disciplinary authority passed final order dated 31.12.2005 and imposed a consolidated punishment of withdrawal of special pay in terms of clause No. 6(G) of memorandum of settlement dated 10.4.2002.

6. The case of the workman is that the departmental proceeding was not conducted fairly and properly. The enquiry officer was biased against the workman Ratan Lal Mandal and in favour of the management. The enquiry officer acted against the principles of natural justice. He recorded evidence of witnesses in absence of the workman and his representative. He illegally and without any justification deleted a few defence exts. without any reason and justification. He used his own knowledge imported from another departmental proceeding to hold the workman guilty. The case of the workman is that the enquiry officer and his conduct was so much biased that the workman filed a petition for change of the enquiry officer, which was not heeded by the disciplinary authority.

7. I have carefully gone through the minutes of the departmental proceeding date by date and word by word. The minutes of the departmental proceeding have been recorded with vivid details. Every thing that happened in the departmental proceeding and every thing that was said in the departmental proceeding by the charge sheeted employee, his defence representative, Presenting Officer and witnesses has been recorded. It appears from the perusal of minutes of the departmental proceeding that attitude of the workman Ratan Lal Mandal was not at all cooperative in the departmental proceeding. On 9.2.2005 *i.e.* first date of the enquiry he took adjournment to introduce his defence representative Sri N.B. Srivastava. But on next date *i.e.* 12.4.2005, his defence representative was not present. On 27.4.2005 also the defence representative was not present. Then the Enquiry Officer proceeded with the enquiry and the Presenting Officer was directed to state his case, filed documents and list of witnesses. Again on

next date *i.e.* 28.4.2005 the defence representative was not present. On next date *i.e.* 11.5.2005 neither the workman Ratan Lal Mandal was present nor his defence representative was present. Then on next date *i.e.* 18.5.2005 the workman informed the Enquiry Officer that his defence representative Sri N.B. Srivastava was not in a position to continue as his defence representative and another person named D. Ram, General Secretary INTUC was nominated as his defence representative. On 24.6.2005 his defence representative was present for the first time. Again on several dates attempts were made to take adjournment on frivolous grounds. On one date the defence representative (on 27.6.2005) did not cross-examine the witness on the ground that he was suffering from cough and cold. Later on several dates neither the charge sheeted employee was present nor his Representative was present and a few witnesses were examined in their absence. This kind of attitude on the part of workman is indicative of his non-cooperative attitude in the departmental proceeding.

It appears from perusal of minutes of the Departmental Proceeding as well as findings recorded by the enquiry officer that the departmental proceeding was conducted in accordance with rules and procedures and there is no violation of principles of natural justice. It was argued on behalf of the workman that charge sheet was issued on two dates. Main charge sheet was issued on 29.4.2004. It was argued that the heading of departmental proceeding was "Departmental Proceeding against Sri R.L. Mandal *vide* charge sheet No. 148 dated 31.12.2004 and main charge sheet came into light only on 29.4.2005" when documents were filed by the Presenting Officer. Thus it was argued that the enquiry officer was biased and he was more concerned with supplementary charge sheet. I do not find any substance in this argument. On the very first day of the enquiry Sri Ratan Lal Mandal told the Enquiry Officer that he had received charge sheet and was aware about the contents of charges and he did not admit charges. From the very beginning the witnesses were examined before the Enquiry Officer and evidence produced in support of charge sheet dated 31.12.2004 and charge sheet dated 29.3.2004 and the witnesses were cross-examined accordingly on both charge sheets. The findings recorded by the enquiry officer are also about both charge sheets and on all the charges he has given categorical findings. About charge No. 1, charge No. 2, charge No. 3 and charge No. 4 of charge sheet dated 29.3.2004 he has recorded findings that these charges have been proved. Then he has given specific finding about supplementary charge that the same has been proved. Therefore I do not find any substance in this argument.

The Defence Representative argued that the Enquiry Officer examined as M. W. 2 has admitted that while he was working as Branch Manager of Aurangabad Branch P. Sunita Kuloo a Clerk levelled charges of sexual harrasment against him. It was argued that the Enquiry Officer acted

under the pressure of higher authorities and he has recorded this in the minutes dated 23.7.2005 that there is heavy pressure of higher authorities to conclude the enquiry at the earliest. In his cross-examination he has denied that there was any such pressure upon him. In the minutes dated 23.7.2005 it is not said that there was any pressure to conclude the enquiry in favour of management. If at all the management wanted to get the enquiry concluded at the earliest, there is nothing wrong. The main grievance of the workman is that he was not given adjournment as per his choice or as per choice of the defence representative. On the basis of this allegation it can not be concluded that the Enquiry Officer was biased or rules of natural justice was violated.

It was argued on behalf of workman that on 23.7.2005 M.W. 2 Shri Rajendra Prasad was examined in absence of Defence Representative and the workman. On 25.7.2005 M.W. 3 Shri Arvind Kumar, on 26.7.2005, M.W. 4 Shri Pankaj Kumar on 9.8.2005, M.W. 5 Lala Shankar Prasad and on 10.8.2005, M.W. 6 Shri Ganesh Prasad Singh were examined in absence of Defence Representative and the workman. It was argued that examination of witnesses in absence of workman and his representative is violation of principles of natural justice and such evidence was wrongly used against the workman to hold that charges were proved against him. Such evidence can not be used. This argument should be rejected for two reasons. Firstly, on 23.7.2005 the workman sought adjournment on the ground that his Defence Representative was having some crucial domestic problem and he was not in a position to attend the enquiry to 15th August, 2005. This prayer for adjournment was rejected and the Enquiry Officer directed the workman to take part in the Enquiry Proceeding for examination in chief of witnesses only and call his Defence Representative for cross-examination of witnesses on the next date. But the workman was adamant for adjournment. However this request for adjournment was rejected. But when examination in chief of M.W. 2 was taken up he did not attend the proceedings. Thereafter on 25.7.2005, 26.7.2005, 9.8.2005 and 10.8.2005 witnesses on behalf of the management were examined. The workman and his Defence Representative did not attend the proceedings on these dates. It is obvious from the record of the proceedings that the workman and his representatives did not attend the departmental enquiry on their sweet will. They left the departmental proceeding un-attended deliberately. The rule of natural justice is that the workman or the delinquent employee must be given due notice about the date and place of enquiry when witnesses are to be examined. If he has knowledge and he deliberately leaves the proceeding unattended, he can not claim that the rules of natural justice have been violated. In this case on 23.7.2005 when M.W. 2 was examined, the workman was present but he left the proceeding before the start of examination in chief on M.W. 2. This shows the conduct of workman. The Enquiry Officer can not force physically

the workman to sit in the Departmental Proceedings and take part. If the workman having knowledge of the date time and place of the Domestic Enquiry ignores to attend the same while witnesses are being examined, he can not claim that rules of natural justice have been violated. For this reason the aforesaid argument on behalf of the workman can not be accepted.

Another reasons for rejecting this argument is that the representative of the workman cross-examined these witnesses on a later date. M.W. 2 was cross-examined by the Defence Representative on 16.8.2005. M.W. 4 was cross-examined on 17.8.2005. On 18.8.2005 the Defence representative declined to cross-examine of M.W. 6. Thus the witnesses who were examined in absence of workman and his defence representative have been cross-examined later on. This is acquiescence on the part of the workman and his Defence Representative. When they cross examined of the witnesses whose examination in chief was recorded in their absence, they can not say that such evidence can not be used.

It was further argued on behalf of the workman that the Enquiry Officer ordered to delete defence Ext. 2 to defence Ext. 7 from the record of the Departmental Proceeding without assigning any reason. The Enquiry Officer examined as M.W. 2 admitted that the deleted defence Exts. 2 defence Ext. 7 because these documents were not related to charges. I find that there are detailed discussions in the minutes of the Departmental Proceeding dated 19.8.2005. The objection regarding relevancy of these documents were raised by the Presenting Officer. Having heard the Presenting Officer and the Defence Representative about the relevancy of these documents, the Enquiry Officer ordered to delete these documents. No attempt has been made on behalf of the workman to produce these documents before this Tribunal linking them with the Departmental Proceeding. Ratan Lal Mandal examined as W.W. 1 has not stated anything about these documents in his examination in chief. In his cross-examination he has stated only this such in this regard that the Enquiry Officer admitted certain documents filed by defence and marked them Ext. but later on deleted the same from the record of the proceeding. But there is nothing on record of this Tribunal to indicate as to what were these documents and what was relevancy of these documents. It is not possible for this Tribunal to say without perusal of those documents that these documents were relevant for the domestic enquiry and were wrongly deleted from the record of the domestic enquiry and adversely impacted the case of the workman.

It was argued on behalf of the workman that the Enquiry Officer used his personal knowledge or knowledge gathered from outside while recording findings about the charges. In this regard reference has been made to the page-4 of the findings in which in paragraph-2 (not numbered) the Enquiry Officer has stated about

management Ext. 5 that it was proved in an earlier enquiry against Sri S.M.M. Ali, Assistant Manager in which he was Enquiry Officer. This has been stated regarding discussion of charge No. 2. Charge No. 2 is that Sri Mandal on 24.12.2003 at 2.30 P.M. used abusive language against Sr. Manager when he was enquiring with S.S.H. incharge about delay in payment to customers Sri Nilesh Kumar and Sri Ram Bhajan Sah, and he created panic in Banking Hall, halting Bank work for a period of an hour. It appears that the finding of the Enquiry Officer on this charge is mainly biased on oral evidence and not on documentary evidence particularly management Exts. 5. Therefore the reference by the Enquiry Officer about another departmental proceedings in which he was Enquiry Officer does not vitiate the Departmental Proceeding entirely.

Having perused the minutes and findings of the Departmental Proceeding and having considered all the points raised on behalf of the workman, I am of the view that Departmental Proceedings was conducted fairly and properly.

It appears from perusal of the final order passed by the Disciplinary Authority that final order was passed after careful consideration of the findings of the Enquiry Officer. Final order is Ext. M/4. It appears on perusal of the final order that the workman Ratan Lal Mandal was given the copy of the findings of the Enquiry Officer. He was given due notice of proposed punishment. He was given personal hearing by the Disciplinary Authority on 12.12.2005 and he submitted his written brief. The Disciplinary Authority passed an elaborate order running into 5 page. Punishment of "Censured" was passed separately for each charge *i.e.* charge no. 1, charge no. 2, charge no. 3 and charge No. 4. And for supplementary charge punishment "withdrawal of special pay in terms of clause No. 6-G of Memorandum of Settlement dated 10.4.2002" was passed. The punishment order further stated that the consolidated punishment will have been following effect" withdrawal of special pay in terms of clause 6-G of Memorandum of Settlement dated 10.4.2002" having regard to the nature of charge against the workman the punishment appears to be on the lighter side. Therefore I am of the view that the punishment is just and legal.

6. Question No. (iii): The case of the workman is that he was transferred from Munger Branch to Khagaur Branch and this is re-deployment of the workman and the workman is entitled to re-deployment allowance at rate of Rs. 400/- per month. The case of the management is that the workman was transferred on Administrative Ground and this is not a case of re-deployment. Unfortunately the very basis of the this claim *i.e.* the transfer order of the workman has not been filed by the workman. The workman examined as W.W. I has also not stated in his examination is chief that he was transferred from Munger Branch to Khagaur Branch by way of re-deployment. In this regard

there is only one document before me and that is Ext. M/6, which is transfer cum relieving order which says "In terms of Regional Office Letter No. RO/RHD/05-06/664, dated December 31, 2005 services of Sri Ratan Lal Mandal, Clerk is transferred to our Khagaur Branch as Clerk on administrative ground. Accordingly Sri Mandal is relieved to day to report at the Khagaur Branch on the next date positively. His service file, staff particulars etc. are transferred to "Khagaur Branch". This letter says that Sri Ratan Lal Mandal was transferred to Khagaur Branch on Administrative ground. There is no reason to conclude that his transfer was by way of re-deployment. Thus the finding is that the transfer of workman Sri Ratan Lal Mandal on Administrative ground is justified legal.

7. Question No. (iv): The case of the workman is that his Union raised an Industrial Dispute before Assistant Labour Commissioner (Central) on 23.1.2006 and the Assistant Labour Commissioner (Central) Started conciliation proceeding and passed an order on 24.1.2006 and that order was communicated to the management. But the management after receiving a copy of notice disobeyed the mandate of law u/s. 33 of the Industrial Disputes Act and transferred the workman to Khagaur Branch from Munger Branch. No Evidence has been adduced by the workman in support of this claim. The workman examined as W.W. I has not stated anything on this point. Other defence witnesses have also not stated anything on this point. The letter of the Union raising Industrial Dispute, order of the Assistant Labour Commissioner (Central) or notice issued by him have not been produced. Therefore there is no evidence to show that any Industrial Dispute was raised before Assistant Labour Commissioner (Central) Patna and any order was passed or any notice was issued by him. Therefore there is no question of violation of provisions of Sec. 33 of the Industrial Disputes Act. It was argued on behalf of the workman that the transfer order purports to have been issued on 20.1.2006, but it was not received by Sri Ratan Lal Mandal the workman. It was argued that the transfer order was issued on or after 24.1.2006 the date on which status quo has been granted by the Assistant Labour Commissioner (C), on the dispute raised by the union on 23.1.2006. It was argued that the transfer letter was anti-dated. In this regard witness W.W. 1 Ratan Lal Mandal has not stated anything, the W.W. 2 Vijay Kumar has also not stated anything. W.W. 3, Kishore Rout, W.W. 4 Devanandan Ram have also not stated anything. The aforesaid argument on behalf of the workman can be rejected on the ground that the order passed by the Assistant Labour Commissioner (Central) or notice issued by him has not been brought on record. Moreover one document filed on behalf of the workman puts the root of this argument. This is Ext. w/3, a letter issued to the workman Ratan Lal Mandal by the Superintendent of Post Office stating there in that registered letter no. 4372 dated 21.1.2006 addressed to Sri Ratan Lal Mandal (Staff, Central Bank of

India) Chhoti Mirjapur, Jamalpur Road, Kalisthan ke Bagal main, Munger and sent by Central Bank of India, Munger Branch was not delivered to the addressee and it was returned to the sender on 31.1.2006. This is a document filed on behalf of the workman. This letter speaks about registered letter no. 4372, dated 21.1.2006. It is obvious that the transfer order was issued/on or before 21.1.2006 and then it could have been posted under registered post on 21.1.2006. Thus the argument that the transfer letter was anti-dated and it was issued on or after 24.1.2006 has no leg to stand. It also appear from perusal of Ext. M/6 that Shri Ratan Lal Mandal refused to receive the letter hence the order was pasted on notice Board and copy of the order was sent to him by registered post. Thus there is no evidence that any Industrial Dispute was raised by the Union on 23.1.2006. There is no evidence that there was any order passed and any notice issued by the Assistant Labour Commissioner (C). In view of aforesaid discussions and in view of lack of basic evidence on this point, it is held that there is no violation of Sec. 33 of Industrial Disputes Act.

8. Question No. (v): Having regard to the aforesaid discussions and findings the workmans is not entitled to any relief.

9. And this is my Award.

HARISH CHANDRA SINGH, Presiding Officer

नई दिल्ली, 28 नवम्बर, 2011

का.आ. 3742.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एसएनईसीएलए के प्रबंधन के संबद्ध नियोक्ताओं और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नागपुर के पंचाट (संदर्भ संख्या 280/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 28/11/2011 को प्राप्त हुआ था।

[सं. एल-22012/94/2000-आई आर (सी-II)]
डी.एस.एस. श्रीनिवास. राव, डेस्क अधिकारी

New Delhi, the 28th November, 2011

S.O. 3742.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (*Ref. No. 280/2000*) of the *Central Government Industrial Tribunal-cum-Labour Court, Nagpur* as shown in the annexure in the Industrial Dispute between the employers in relation to the management of *SECL* and their workman, which was received by the Central Government on 28/11/2011.

[No. L-22012/94/2000-IR (C-II)]
D.S.S. SRINIVASARAO, Desk Officer

ANNEXURE

BEFORE SHRI J.P. CHAND, PRESIDING OFFICER, CGIT-CUM-LABOUR COURT, NAGPUR

Case No. CGIT/NGP/280/2000

Date: 21.10.2011

Party No. 1 : The Sub Area Manager,
Kurja Sub Area, M/s. South Eastern
Coalfields Ltd., PO: Bijuri (MP)

Versus

Party No. 2 : The Vice-President
M.P. Koyla Shramik Sangh (CITU),
CITU Office No. 1472, Urjanagar Colony,
PO: Bijuri, Shahdol, (MP)

AWARD

(Dated: 21st October, 2011)

In exercise of the powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of section 10 of Industrial Disputes Act, 1947 (14 of 1947) ("the Act" in short), the Central Government has referred the industrial dispute between the employers, in relation to the management of Sub Area Manager, Kurja Sub Area, SECL and their workman Shri Tiblu S/o. Laxman, for adjudication, as per letter No. L-22012/94/2000-IR (CM-II), dated 19.09.2000, with the following schedule:—

"Whether the action of the Sub Area Manager, Kurja Sub Area of SECL, PO: Bijuri, Distt. Shahdol in dismissing Sh. Tiblu S/o Laxman, Ex-Driller at Kapildhara, U.G. Project with effect from 09.10.97 is legal and justified? If not, to what relief the workman is entitled?"

2. On receipt of the reference, the parties were noticed to file their respective statement of claim and written statement and accordingly, Shri Tiblu Laxman ("the workman" in short) filed his statement of claim through the union, "M.P. Koyale Shramik Sangh (CITU)" and the management of this Sub Area Manager, Kurja Sub Area, SECL (here-in-after referred to as the Party No. 1) filed its written statement.

3. In the statement of claim, it is pleaded *inter-alia* by the workman that while he was working with the Party No. 1 as a Loader, a charge-sheet was submitted against him on the allegation of committing misconduct i.e. for habitual and unauthorized absenteeism, under clauses 26.24 and 26.30 of the certified standing orders and an enquiry was conducted and in that enquiry, the Inquiry Officer found the charge under clause 26.30 not to have been proved and the charge under clause 26.24 to have been proved and accordingly, submitted his inquiry report, but the Inquiry Officer should have held that the charge under clause 26.24 also not to have been proved automatically, when charge under clause 26.30 was held to be not proved against him

and after enquiry, his services were terminated illegally and the enquiry was not conducted properly and the findings of the Inquiry Officer are perverse and the punishment imposed against him is shockingly disproportionate to the charges levelled against him.

4. The Party No. 1 in its written statement has pleaded that the workman was working as a Loader in Rajnagar RO Mine and *vide* order dt. 4.10.95, he along with some other workers were transferred to Kapildhara Kurja Sub Area and as the workman submitted his option to work as a Roof Bolting Cat. IV by order dt. 12/13.1.96, he was directed to report immediately to the Manager of Kapildhara Mines and the workman was remaining absent from duty without sufficient cause and was also remaining absent without sanction of leave, so, a charge sheet was issued against him under clauses 26.24 and 26.30 of the certified standing orders on 24.8.96 and the workman submitted his reply to the said charge sheet on 29.8.96 and as it (party no. 1) was not satisfied with the reply of the workman, an enquiry committee was constituted by its office order dt. 30.8.96 and Shri K. Prasad, Senior Under Manager (SG), Kurja Sub Area was appointed as the Inquiry Officer and the enquiry was conducted against the workman and the enquiry was completed on 22.1.97 and in that enquiry, the workman was given a fair and reasonable opportunity to defend himself and the workman was represented by his co-worker, Smt A.K. Mishra and the workman was also allowed to produce document and witness in the enquiry and the enquiry was conducted by following the principles of natural justice and the Inquiry Officer found the charge under clause 26.24 to have been proved against the workman and a second show cause notice was issued against the workman along with the copy of the enquiry report by notice No. 256, dt. 13.6.97 and the workman submitted his second show cause, but the same was found not satisfactory and as such, the punishment of termination of his services was passed.

5. As this is a case of dismissal of the workman from services after holding a departmental enquiry, the validity of the departmental enquiry was taken for consideration as a preliminary issue and as per orders dated 18.08.2011, the departmental enquiry was held to be legal and proper and in accordance with the principles of natural justice.

6. At this juncture, it is necessary to mention that as neither the workman nor the union appeared to take part in the case since 20.11.2009, the case proceeded ex-parte against the workman.

7. At the time of argument, it was submitted by the learned advocate for the party no.1 that in this case, the departmental enquiry has already been held to be legal and proper and in accordance with the principles of natural justice and in the statement of claim, the workman has not pleaded that the findings of the enquiry officer are perverse or that the punishment is shockingly disproportionate and

as such, both the issues are to be answered in favour of the party no. 1 and the findings of the enquiry officer are based on the evidence on record and not on any extraneous material and the enquiry officer has analysed the evidence in detail and has assigned cogent reasons in support of his findings and as such, the same cannot be said to be perverse and the misconduct of the workman has been proved in a properly conducted departmental enquiry and the punishment imposed against the workman is not shockingly disproportionate and is proportionate to the proved misconduct and as such, there is no scope to interfere with the punishment.

The learned advocate for the management, in support of such contentions placed reliance on the decisions reported in AIR 1999 SC-2407 (Bank of India Vs. Degala Suryanarayana), 2000 11 LLJ-313 (Madhura Coats Ltd. Vs D. Mathan), 1999 1 LLJ-697 (Mishra D.K. Vs. Presiding Officer and another) and AIR 1974 SC 696 (East India Hotel Vs. Their Workman).

8. In the judgement reported in AIR 1999 SC-2407 (Supra), the Hon'ble Apex Court have held that, "The Court exercising the jurisdiction of judicial review would not interfere with the findings of facts arrived at in the departmental enquiry proceedings excepting in a case of *mala fides* or perversity i.e. where there is no evidence to support a finding or where the finding is such that no man acting reasonably and with objectivity could have arrived at that finding. The court cannot embark upon re-appreciating the evidence or weighing the same as the appellate authority. So long as there is some evidence to support the conclusion arrived by the departmental authority, the same has to be sustained."

Keeping in view the principles enunciated by the Hon'ble Courts in the decisions, now the present case at hand is to be considered.

9. On perusal of the statement of claim, it is found that the workman has not challenged either the findings of the enquiry officer or the quantum of punishment. Moreover, on perusal of the documents of the proceedings of the departmental enquiry, it is found that the enquiry officer has properly analysed the evidence adduced before him by the parties and his report is based on the evidence on record and not on any extraneous matter. Cogent and valid reasons have been assigned by the enquiry officer in support of the conclusion arrived at by him. Hence, the findings of the enquiry officer cannot be said to be perverse. So far the punishment is concerned, it is found that serious misconducts of habitual absenteeism from duty without sufficient cause has been proved against the workman in a properly conducted departmental enquiry. The punishment of dismissal from services, therefore, cannot be said to be shockingly disproportionate to the proved misconducts. Hence, it is ordered:—

ORDER

The action of the Sub Area Manager, Kurja Sub Area of SECL, PO: Bijuri, Distt. Shahdol in dismissing Sh. Tiblu S/o Laxman, Ex-Driller at Kapildhara, U.G. Project with effect from 09.10.97 is legal and justified. The workman is not entitled for any relief.

J.P. CHAND, Presiding Officer

नई दिल्ली, 28 नवम्बर, 2011

का.आ. 3743.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इन्डियन सीएल के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नागपुर के पंचाट (संदर्भ संख्या 13/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 28/11/2011 को प्राप्त हुआ था।

[सं एल-22012/91/2003-आई आर (सीएम-II)]
डीएसएस श्रीनिवास राव, डेस्क अधिकारी

New Delhi, the 28th November, 2011

S.O. 3743.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award Ref. 13/2004 of the *Cent. Govt. Indus. Tribunal-cum-Labour Court, NAGPUR* as shown in the Annexure, in the industrial dispute between the management of *Pimpalgaon Sub Area (Wani North area) of WCL*, and their workmen, received by the Central Government on 28.11.2011.

[No. L-22012/91/2003-IR(CM-II)]
D.S.S. SRINIVASA RAO, Desk Officer

ANNEXURE

**BEFORE SHRI J.P. CHAND, PRESIDING OFFICER,
CGIT-CUM-LABOUR COURT, NAGPUR**

Case No. CGIT/NGP/13/2004 Date: 20.10.2011.

Party No. 1 : The Sub Area Manager,
Pimpalgaon Sub Area (Wani North Area)
Of WCL, Post: Ukani, Tah. - Wani,
Yavatmal (MS)

Versus

Party No. 2 : Shri Dashrath S/o. Sh. Maniram Chatki
R/o. Ballar, Tah.-Wani, Distt. Yavatmal
Maharashtra

AWARD

(Dated: 20th October, 2011)

In exercise of the powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of section 10 of

Industrial Disputes Act, 1947 (14 of 1947) ("the Act" in short), the Central Government has referred the industrial dispute between the employers, in relation to the management of Pimpalgaon Sub Area (Wani North Area) of WCL and their workman Shri Dashrath Chatki, for adjudication, as per letter No. L-22012/91/2003-IR (CM-II), dated 30.01.2004, with the following schedule:—

"Whether the action of the management in relation to Pimpalgaon Sub Area (Wani North Area) of Western Coalfields Ltd. in dismissing from service Shri Dashrath Chatki, Dumper Operator Cat. D of Pimpalgaon Sub Area vide office Order No. WCL/WNA/SAN/Pimpalgaon/02/126, dated 18.10.2002 is legal and justified? If not, to what relief the workman is entitled?"

2. After receipt of the reference, the parties were noticed to file their respective statement of claim and written statement, in response to which, the workman, Shri Dashrath Chatki ("the workman" in short) filed his statement of claim and the management of Pimpalgaon Sub Area (Wani North Area) of WCL ("the party no. 1" in short) filed the written statement. According to the statement of claim filed by the workman, he was initially appointed as a Badli Workman in the year 1981-82 in WCL and in 1996 he was taken on the regular establishment as a Dumper Operator and while working as such, on 31.5.2002, he was served with a charge sheet and was also suspended from duty on the same day and he was paid 25% subsistence allowance for three months, which was not in accordance with the standing orders and a criminal case was also registered against him for the same incident and he submitted his show-cause by denying the charges levelled against him, but the management being not satisfied with his reply, initiated a departmental enquiry and one Shri Bairwar, Manager of Pimpalgaon Open Cast Colliery was appointed as the Inquiry Officer and though he demanded documents in respect of the charges leveled against him, the documents were never supplied to him and due to non-supply of the documents, he was prejudiced and such non-supply of documents was against the principles of natural justice and in the departmental enquiry, the Inquiry Officer adopted the procedure unknown to law and he was not allowed to examine witnesses on his behalf and the enquiry was conducted mechanically and hurriedly and he was not given proper opportunity to defend his case in the enquiry. The further case of the workman is that the findings of the Inquiry Officer are perverse and when a criminal proceeding was initiated against him for the same incident, the departmental enquiry should not have been proceeded with and the Disciplinary Authority passed the order of dismissal from service on 18.10.2002, which is illegal and arbitrary and the punishment awarded is shockingly disproportionate to the charges levelled against him and before awarding the punishment, the Disciplinary Authority did not take into consideration his clean and unblemish

past record and as such, it is necessary to set aside the punishment and he is entitled to be reinstated in service with continuity and back wages. The workman has prayed for his reinstatement in service with continuity of service, back wages and all other consequential benefits.

3. The management refuting the allegations made in the statement of claim pleaded *inter alia* in their written statement that the workman, on 30.5.2002, while on duty in the second shift, drove the Terax water tanker No. 318 after taking it away, out of the check post without permission and committed accident to three vehicles, a Maruti Car, a Jeep and a Tata Tracker, between 7.40 PM to 8.30 PM on Ukni Link Road and for that he was charge sheeted and placed under suspension *vide* charge sheet dt. 31.5.2002 and the details of the charges levelled against the workman were given in the charge sheet alongwith the specific clause of the Certified Standing Orders of the WCL and the workman was asked to submit his written explanation within 72 hours of receipt of the charge sheet and the workman submitted his explanation on 4.6.2002, denying the charges and as the explanation submitted by the workman was not found satisfactory, order was passed to hold the departmental enquiry and accordingly, Shri Suraj Kumar Bairwa was appointed as the Inquiry Officer for conducting the enquiry and Shri Sudhanshu Srivastava, Safety Officer was appointed as the Management Representative and the Inquiry Officer held the enquiry on different dates, after due intimation of the same to the workman and the management representative and the workman fully participated in the enquiry and during the course of enquiry, the workman was allowed to take the assistance of a co-worker and the proceedings were recorded in Devnagari script (Hindi language) and proceedings were signed by the workman and his co-worker, and the witnesses of the management were examined in presence of the workman and his co-worker and they were also cross-examined by the co-worker of the workman and the workman was also given the opportunity to put up his defence and the workman examined himself and also produced other defence witnesses, who were cross-examined by the management representative and the enquiry was closed on 25.8.2002 and the same was duly noted and signed by both the parties and the Inquiry Officer submitted his detailed report on 13.9.2002 and the Inquiry Officer found the workman guilty of the charges leveled against him, after analyzing the evidence adduced by both the parties in a dispassionate and objective manner and his report is *bona fide* and there is no element of perversity and the second show cause notice was issued to the workman *vide* letter dt. 29.9.2002, asking him to submit his reply and the workman submitted reply on 14.10.2002 and the Disciplinary Authority found the reply not to be satisfactory and passed the order of dismissal from service on 18.10.2002 with immediate effect and while awarding the punishment, the past record of the workman, which were not good, were also taken into consideration.

4. As the workman was dismissed from services by the party no. 1, after holding a departmental enquiry, the validity of the departmental enquiry was taken for consideration as a preliminary issue and as per order dated 15.11.2010, the departmental enquiry was held to be legal, proper and in accordance with the principles of natural justice.

5. Before delving into the merit of the case, it is necessary to mention here that after filing of the written statement by the management, the workman did not appear in the case, so the case was proceeded *ex-parte* against him.

6. At the time of argument, it was submitted by the learned advocate for the party no. 1 that in the statement of claim in para 6, the workman has only made a sweeping statement alleging perversity, but he has not stated as to how the report is perverse and as such, in absence of any specific submission on perversity of the findings by the workman, the issue needs no consideration and on perusal of the enquiry report, it can be found that the enquiry officer had analysed the evidence in detail, adduced by the parties before him, in an objective and rational manner and his findings are based on the materials on record and the findings are not base on no evidence and the findings are also not such that any reasonable man would not have arrived at the same and as such, the findings of the enquiry officer cannot be said to be perverse and the punishment imposed against the workman is not shockingly disproportionate to the grave misconducts, which have been proved in a properly held departmental enquiry.

In support of such contentions, the learned advocate for the party no. 1 placed reliance on the decisions reported in 2001 LAB I.C.-2367 (Syed Rahimmuddin *Vs.* Director General, CSIR), 1996 LAB I.C.-462 (B.C. Chaturvedi *Vs.* Union of India), 2003 LAB I.C.-757 (Regional Manager, UPSRTC *Vs.* Hotilal) and 2005 LAB I.C.-4158 (V. Ramanna *Vs.* APSRTC)

7. Perused the record including the papers relating to the departmental proceedings. It is found from the materials on record that the enquiry officer has based his findings on the evidence adduced by the parties in the departmental enquiry and such findings are not based on the any extraneous material. The enquiry officer has analysed the evidence in detail and has also assigned reasonable and cogent reasons in support of his findings. It is also not a case of no evidence. Hence, the findings of the enquiry officer are found not to be perverse.

So far the quantum of punishment is concerned, it is found that the same is not shockingly disproportionate. Serious charges levelled against the workman have been proved in the properly held departmental enquiry. As such, there is no scope to interfere with the punishment imposed against the workman. Hence, it is ordered:

ORDER

The action of the management in relation to Pimpalgaon Sub Area (Wani North Area) of Western Coalfields Ltd. in dismissing from service Shri Dashrath Chatki, Dumper Operator Cat. D of Pimpalgaon Sub Area vide Office Order No. WCL/WNA/SAN/Pimpalgaon/02/126 dated 18.10.2002 is legal and justified. The workman is not entitled to any relief.

J.P. CHAND, Presiding Officer

नई दिल्ली, 28 नवम्बर, 2011

कांआ० 3744.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार डब्ल्यू.सी.एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नागपुर के पंचाट (संदर्भ संख्या 54/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 28/11/2011 को प्राप्त हुआ था।

[सं० एल-22012/588/1994-आई आर (सी-II)]
डीएसएस श्रीनिवास राव, डेस्क अधिकारी

New Delhi, the 28th November, 2011

S.O. 3744.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (*Ref. No. 54/2002*) of the *Central Government Industrial Tribunal-cum-Labour Court, NAGPUR* as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of *WCL* and their workman, which was received by the Central Government on 28/11/2011.

[No. L-22012/588/1994-IR (C-II)]
D.S.S. SRINIVASA RAO, Desk Officer

ANNEXURE

**BEFORE SHRI J.P. CHAND, PRESIDING OFFICER,
CGIT-CUM-LABOUR COURT, NAGPUR**

Case No. CGIT/NGP/54/2002 Date: 01.11.2011.

Party No. 1 : The Sub Area Manager,
Western Coalfields Ltd.,
Sillewara, Distt. Nagpur (MS)

Versus

Party No. 2 : The General Secretary,
Samyukta Khadan Mazdoor Sangh,
Walni Mines, Distt. Nagpur (MS).

AWARD

(Dated: 1st November, 2011)

In exercise of the powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of section 10 of

Industrial Disputes Act, 1947 (14 of 1947) ("the Act" in short), the Central Government has referred the industrial dispute to CGIT, Jabalpur between the employers, in relation to the management of State Bank of India and their Union State Bank Karamchari Sena, for adjudication, as per letter No. L-22012/588/94-IR(C-II), dated 25.05.1995, with the following schedule:—

"Whether the action of the W.C. Ltd. management, Sillewara, Distt. Nagpur in terminating the services of Shri Namdeo Keshevrao Suryawanshi from 07.08.1986 is legal, proper and justified? If not, what relief is entitled to?"

Subsequently the reference was transferred to this Tribunal, for disposal according to law.

2. On receipt of the reference, parties were noticed to file their respective statement of claim and written statement, in response to which, the union, "Samyukta Khadan Mazdoor Sangh" ("the Union" in short) filed the statement of claim on behalf of the workman and the management of W.C.L. ("party no. 1" in short) filed the written statement.

The case of the workman as projected by the union in the statement of claim is that the workman came to be appointed as a general mazdoor in the underground colliery of Sillewara in 1981 and he worked regularly for about six years and on 07.08.1986 as he suffered from mental illness, he went to Mental Hospital, Nagpur for treatment and intimated about such illness to the Party No. 1, by sending the sick certificate, under certificate of posting on 07.08.1986 itself and on 05.02.1993, the workman was declared fit to resume duty by the Medical Superintendent, so he went to the colliery to join duty, but he was not allowed to join and inspite of his repeated visits for five months, as management did not take any action, the workman approached the union to take up his cause and when the union took up the matter with the management of Party No. 1, management found commission of illegality with the workman, as there was no document relating to his termination from services and there was also no document to show that from which date or year he was terminated from services, so Party No. 1 sent a note sheet to the higher authority suggesting for a settlement with the workman, on the ground that the case would go in his favour, but the higher authority did not agree for the same and according to the standing orders of WCL, in case of remaining unauthorized absent for ten days, warning letter or charge sheet is required to be submitted against the delinquent employee, but in the case of the workman, no correspondence was made with the workman in person or in his home address and removal of the name of the workman from the roll of the management, without any enquiry amounts to unfair labour practice, in violation of the provisions of the standing orders of the management.

Prayer has been made by the union for reinstatement of the workman in service *w.e.f.* 02.07.1993 with full back wages.

3. The Party No. 1 in its written statement has pleaded *inter-alia* that the workman was appointed as casual general time rated mazdoor *w.e.f.* 10.03.1981 and the workman was a regular absentee since the beginning and the worked for 177, 158, 148, 106, 246 and 104 days in 1981, 1982, 1983, 1984, 1985 and 1986 respectively and in 1986, the workman suddenly disappeared and remained absent from duty unauthorisedly without intimation, permission and sanctioned leave continuously and after a lapse of seven years, on 02.07.1993, the workman approached the management for employment and for the period from 05.08.1986 to 02.07.1993, the whereabouts of the workman was not known to the management and during the said period, neither he intimated the management about his whereabouts nor he applied for leave nor he reported sick to the colliery hospital and under the standing orders, the workman, who desires to obtain leave of absence, shall apply in writing to the competent authority, not less than 15 days before the commencement of leave, except where leave is required in unforeseen circumstances and the competent authority shall issue order on the application within a week of its submission or two days prior to the commencement of the leave applied for whichever is earlier, provided that if the leave applied for is to commence on the date of the application or within three days thereof orders shall be given on the same day and if the leave is refused or postponed, the fact of such refusal or postponement and the reasons there for shall be recorded in writing in a register to be maintained for the purpose and if the workman so desires, a copy of the entry in the register shall be supplied to him and if the workman after proceeding on leave desires an extension thereof, he shall apply to the competent authority, who shall send a written reply either granting or refusing extension of leave to the workman and sanction/refusal of leave shall be communicated to the workman in writing. It is also pleaded by the Party No. 1 that under the provisions of the standing orders if an employee remains absent for more than 10 days continuously, his name will be struck off from the rolls of the company automatically and the workman was a casual general mazdoor and he was not a permanent employee and during his casual employment, he disappeared from 07.08.1986 and his whereabouts were not known to the management, hence under the provisions of the standing orders, his name was automatically struck off from the roll of the company and owing to the said circumstances, its action in terminating the services of the workman by striking off his name from the roll of the company is legal, proper and justified.

It is also pleaded by the Party No. 1 that the workman has alleged that he was sick during the period of his absence, but he did not report sick to the colliery hospital during the entire period, even through, the management of

coal industry has provided all sorts of medical facilities to their employees free of cost and serious cases are referred to specialized hospitals situated at metropolitan cities as and when required and in such cases, the entire expenditure is borne by the management and if an employee falls sick, he has to report to the colliery hospital, who issues sick certificate and based on such sick certificate, sick leave is granted to the employee and the workman did not report to the colliery hospital during the period of absence and he did not send any sick certificate to the management by post, so it cannot be said that he was absent due to sickness and the workman has taken shelter of sickness to overcome the gross misconduct committed by him and such averments are nothing but after thought and as the workman remained absent continuously for more than 10 days, his name was automatically struck off from the roll of the company and any correspondence or observation made within the administration does not attain finality, unless final order is passed by the management and as such, the workman is not entitled for any relief.

4. In the rejoinder, it has been mentioned by the union, on behalf of the workman that as the workman was a casual mazdoor, he was not being provided work every day and for that his attendance was less than the regular employee and as such, the allegation of the Party No. 1 that the workman was a regular absentee from the beginning of the service is not true and the claim of the Party No. 1 that as per the provisions of the standing orders, the name of the employee is automatically struck off in case of remaining absent continuously for more than 10 days is baseless and as such Party No. 1 has not been able to mention the clause or section of such provision and mentioning about section 26.24 and 26.30 of the standing orders is only to mislead the Tribunal in the matter and there is no provision in the standing orders about automatic striking off the name of an employee for remaining absent for more than 10 days and even though Party No. 1 should have made the workman permanent after one year of service, Party No. 1 did not do so and thereby, is indirectly responsible for the condition of the workman and the action of the management is illegal.

5. Besides placing reliance on documentary evidence, both the parties have adduced oral evidence in support of their respective claims and the workman and one Ram Kripal Saxena have been examined as witness by the union, whereas, one Chandra Sekhar Singh has been examined as a witness by the Party No. 1.

I think it necessary to mention here that as most of the facts are not disputed except the date of the workman approaching the management to allow him to join duties and as the only point for consideration is whether there is any provision in the standing orders regarding automatically striking off the name of an employee from the roll for remaining absent for more than 10 days

continuously, there is no necessity to discuss the oral evidence adduced by the parties, which is reiteration of the facts mentioned in the statement of claim and written statement respectively.

6. It is not disputed by the parties that the workman was appointed as a casual general mazdoor on 10.03.1981. According to the workman he remained absent from 07.08.1986 to 04.02.1993 for mental illness and on 05.02.1993 after he was declared fit to join duty, he approached the management to join duty but he was not allowed to join. According to Party No. 1, the workman remained absent from 05.08.1986 to 02.07.1993.

Management has mentioned about the days of duty performed by the workman in 1981, 1982, 1983, 1984, 1985 and 1986 and has pleaded that from the date of his initial appointment, the workman was a regular absentee. However, such facts need no consideration, as the same is no way necessary to adjudicate the reference.

The main contention raised by the Party No. 1 is regarding automatic striking off the name from the roll for remaining absent for more than 10 days. Though, the Party No. 1 has taken such a plea in the written statement, the clause, section or Para of such provisions in the standing orders or any other Acts or Rules applicable to W.C.L. has not been mentioned.* Party No. 1 has mentioned about the procedure to take leave. Sub sections 26.24 and 26.30 of section 26 of the standing orders are regarding the acts of misconduct. The said provisions do not relate to striking off the name from the roll. After going through the standing orders of W.C.L., it is found that there is no provision in the same to strike off the name of the employee, for remaining unauthorized absent for more than 10 days continuously, though such an act constitutes misconduct and for imposition of punishment for such misconduct, taking necessary action including initiation of departmental proceeding is necessary.

In the case of the workman, for his remaining absent, Party No. 1 did not take any action. Even a formal order in regard to his absence was not passed. Not a single document has been filed by the Party No. 1 to show that Party No. 1 had taken any action in the matter. In absence of any action taken against the workman for remaining absent, the action of the Party No. 1 in not allowing him to join his duties is unjust and illegal.

From the documentary and oral evidence on record, it is found that the workman was mentally ill during the period of his absence and he was under treatment of the doctor and after he was declared fit, he approached the management to join duty.

In view of the materials on record and the discussions made above, it is found that the workman is entitled to join service with effect from 02.07.1993 with full back wages and all consequential benefits. Hence, it is ordered:—

ORDER

The workman be allowed to join service w.e.f. 02.07.1993 with full back wages and all consequential benefits. The management of W.C.L. is directed to give effect to the award within a month from the date of publication of the award in the official gazette.

The reference is disposed of accordingly.

J.P. CHAND, Presiding Officer

नई दिल्ली, 28 नवम्बर, 2011

का. आ. 3745.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मध्य रेलवे के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नागपुर के पंचाट (संदर्भ संख्या 10/2002) को प्रकाशित करती है जो केन्द्रीय सरकार को 28-11-11 को प्राप्त हुआ था।

[फ़ॉर्स एल-41012/112/2001-आईआर (बी-1)]

रमेश सिंह, डेस्क अधिकारी

New Delhi, the 28th November, 2011

S.O. 3745.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 10/2002) of the *Central Government Industrial Tribunal-cum-Labour Court Nagpur* as shown in the Annexure, in the Industrial Dispute between the management of *CENTRAL RAILWAY* and their workman, received by the Central Government on 28/11/2011.

[F.No. L-41012/112/2001-IR (B-1)]

RAMESH SINGH, Desk Officer

ANNEXURE

BEFORE SHRI J.P. CHAND, PRESIDING OFFICER,
CGIT-CUM-LABOUR COURT, NAGPUR

Case No. CGIT/NGP/10/2002

Date: 11.11.2011.

Party No. 1 : The Divisional Railway Manager (Per.),
Central Railway, Nagpur-440001

Versus

Party No. 2 : Shri Jagdish Chandra Suryanvanshi,
S/o. Prabhudayal Suryavanshi,
R/o. Nr. Vikashand Shikshadhikari
Karyalaya, Amla, Distt. Betul (M.P.)

AWARD

(Dated: 11th November, 2011)

In exercise of the powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of section 10 of Industrial Disputes Act, 1947 (14 of 1947) ("the Act" in short), the Central Government has referred the industrial

dispute between the employers, in relation to the management of Central Railway and Shri Jagdish Chandra Suryanvanshi, for adjudication, as per letter No. L-41012/112/2001-IR (B-I) dated 17.01.2002, with the following schedule:—

"Whether the action of the Central Railway, Nagpur through its Divisional Railway Manager, Nagpur in not allowing to Shri Jagdish Chandra Suryanvanshi to duty as Khalasi *w.e.f.* 26.05.1997 (as per the empanelment list of Central Railway) is justified? If not, what relief the said workman is entitled?"

2. On receipt of the reference, the parties were noticed to file their respective statement of claim and written statement and accordingly, the workman Shri Jagdish Chandra Suryanvanshi ("the workman" in short) filed his statement of claim and the management of the Central Railway ("Party No. 1" in short) filed its written statement.

The case of the workman as projected in his statement of claim is that he was initially employed as a casual labourer on 02.12.1982 under P.W.I. (C), Wani and was issued with a casual labour card bearing no. 314096 and he acquired monthly rated status from 08.03.1991 and continued to work in Nagpur Division of Central Railway at various stations under the Electrical Foreman (Maintenance), Central Railway, Ajni, Nagpur and he was in the live register of Nagpur Division as per the prevailing Rules and Regulations of the Railways for casual labourers and on 29.06.1992, he was discharged from services due to paucity of work and in the year 1997, the party no. 1 issued notification for filling up the vacancies for group 'D'/Class IV category in electrical department and the labours, who were in the live register of the Railway and based on the combined seniority of the casual labours of the Division against the vacancies were called for as per the directives and he also submitted his application through the electrical Foreman, Ajni, under whom he had worked last and he appeared before the screening committee as per the call letter issued to him by the party no. 1 and was empanelled after getting through successfully in the selection process *vide* empanelment letter issued by part no. 1 dated 03.09.1997, in which, he was placed at Sl. No. 70 and a letter of absorption was also issued to the Electrical Foreman to absorb him regularly as TRS Khalasi in the pay scale of Rs. 750-940 in the TRS department against the vacancy *vide* letter no. NGP/P840/R/Gr. 'D' dated 21.05.1997 and the party no. 1 in the said letter advised the Electrical Foreman, Ajni to relieve the persons empanelled to report to them before 26.05.1997 alongwith medical certificate, service register, leave account etc. and though he reported to join service on 26-05-1997, the party no. 1 did not allow him to join duties and all the other empanelled persons from the panel were absorbed regularly except himself and the person at serial no. 71 was also absorbed regularly as Khalasi, whose appointment was made much after him and the appointment

of the person at serial no. 71 was made illegally, as there was ban after 1981 on the recruitment of casual labour and he made several personal request and so also written representations, but the same did not yield any result and as such, he raised the dispute before the ALC and on failure of the conciliation, failure report was submitted to the Central Government and the Central Government referred the dispute to the Tribunal for adjudication.

The further case of the workman is that he was not allowed by the party no. 1 to join duty, on the ground that since on cut-off date, he was not on duty and as per Railway's rules and regulations, if any new work comes on in the Division, then, the available casual labour on live register has to be taken on duty, but from the panel dated 03.04.1997, it can be found that the person at sr. no. 71 was taken on duty even though, he was initially taken as casual labour at a much later date, depriving him from joining work and thereby he was deprived of his rightful claim of getting regular posting as group 'D' employee. The workman has prayed to reinstate him as a regular Khalasi *w.e.f.* 26.05.1997 with full back wages and consequential benefits.

The party no. 1 in the written statement has admitted almost all the allegations made in the statement of claim. However, the specific plea of the party no. 1 is that in the notification for filling of the vacancies of 1997, it was specifically mentioned that only those MRCL were eligible to appear for screening/selection, who were in the role on the date of notification *i.e.* 02.01.1997 and admittedly the workman was discharged from the service on 29.06.1992 and inadvertently, he was called and screened against the vacancies and the workman was not eligible, as per the conditions mentioned in the notification, therefore, when this fact was noticed, his order was cancelled and the number of working days as mentioned in para 2.11 of the statement of claim was not relevant, as the condition was that MRCL should be on roll on the date of notification and the workman was not on the roll on the date of notification, he was not eligible for empanelment and as the workman was inadvertently screened and empanelled, the order was cancelled and the workman is not entitled for any relief.

4. In his rejoinder, the workman has pleaded that though the party no. 1 has alleged that the notification of the year 1997 stipulated the condition that employees, who were on the muster on the cut-off date were only eligible to be appointed in group 'D' category, such notification has not been produced and there cannot be such a condition in the said notification and if any such condition was there, then the said condition was being wrongly interpreted by the party no. 1 and due to said interpretation, the junior casual labour has obtained regularization and senior casual labour has been denied the opportunity of regularization and when he was out of job due to non availability of work, not calling him for the work as and when work was available

was the fault of the party no. 1 and he being the senior, not calling him when work was available and engage new face and regularize the new face earlier than him is bad in law and as such, the contention as raised by party no. 1 deserves to be rejected and he was called for screening as per rules.

5. It is necessary to mention here that as management remained absent since 06.07.2010 and non appeared on behalf of the management to cross-examine the workman, "no cross" order was passed on 23.11.2010 and lastly argument on merit of the case was heard *ex-parte* from the side of the workman.

6. At the time of argument, the learned advocate for the workman reiterated the contention raised in the statement of claim and rejoinder and submitted that the workman was regularized as a gangman in 2003 and he is still working as such, but he is entitled to be regularized *w.e.f.* 26.05.1997 with all consequential benefits.

7. Perused the record. Admittedly no rebuttal evidence was adduced by the party no. 1. Party no. 1 also failed to produce the notification of the year 1997, to show that the workman was inadvertently called for screening and was selected for regularization. In view of the unchallenged evidence of the workman on affidavit and in absence of any rebuttal evidence from the side of the party no. 1, it is found that the action of the party no. 1 in not allowing the workman to join duty as Khalasi *w.e.f.* 26.05.1997 is unjustified.

8. Now, the question remains for consideration in regarding the benefits to be granted to the workman. Admittedly, the workman had been regularized as a gangman in 2003 and he is working as such at present also. There is neither any pleading nor any evidence from the side of the workman that he was not gainfully employed from 26.05.1997 till he was regularized in 2003. So, he is not entitled to any wages for the said period.

From the materials on record, it is found that the workman is entitled for absorption as a Khalasi notionally *w.e.f.* 26.05.1997, with continuity of service from the said date. He is not entitled for regular wages from 26.05.1997. However, he is entitled for annual increments as admissible holding that his appointment was on 26.05.1997. His seniority is to be counted as per the empanelment list dated 03.09.1997. Hence, it is ordered:—

ORDER

The action of the Central Railway, Nagpur through its Divisional Railway Manager, Nagpur in not allowing to Shri Jagdish Chandra Suryanvanshi to duty as Khalasi *w.e.f.* 26.05.1997 (as per empanelment list of Central Railway) is unjustified. The party no. 1 is directed to absorb him as a Khalasi notionally *w.e.f.* 26.05.1997 with continuity of service from the said date. The workman is

not entitled for regular wages from 26.05.1997. However, he is entitled for notional annual increments as admissible holding the date of his joining service to be on 26.05.1997 and to pay the amount of the increments and to refix his salary from the actual date of joining. His seniority is to be reckoned as per his position in the empanelment list. The party no. 1 is directed to give effect to the award within one month from the date of publication of the award in the official gazette.

J.P. CHAND, Presiding Officer

नई दिल्ली, 28 नवम्बर, 2011

कांआ 3746.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार डब्ल्यूसीएल के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नागपुर के पंचाट (संदर्भ संख्या 215/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 28/11/2011 को प्राप्त हुआ था।

से एल-22012/538/1999-आई आर (सी-11)

डीएसएस श्रीनिवास राव, डेस्क अधिकारी

New Delhi the 28th November, 2011

S.O. 3746.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (*Ref. No. 215/2000*) of the *Central Government Industrial Tribunal-cum-Labour Court Nagpur* as shown in the Annexure in the Industrial dispute between the employers in relation to the management of *WCL* and their workman, which was received by the Central Government on 28/11/2011.

[No. L-22012/538/1999-IR (C-II)]

D.S.S. SRINIVASARAO, Desk Officer

ANNEXURE

BEFORE SHRI J.P. CHAND, PRESIDING OFFICER, CGIT-CUM-LABOUR COURT, NAGPUR

Case No. CGIT/NGP/215/2000

Date: 31.10.2011.

Party No. 1 : The Sub Area Manager,
Hindustan Lalpeth Opencast
Sub Area of WCL, PO: Lalpeth,
Distt. Chandrapur,
Maharashtra.

Versus

Party No. 2 : Shri Lomesh Maroti Khartad
President, National Colliery Workers
Congress, Ambedkar Ward, Ballarpur,
Tah. & Distt. Chandrapur (MS)

AWARD

(Dated: 31st October, 2011)

In exercise of the powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of section 10 of Industrial Disputes Act, 1947 (14 of 1947) ("the Act" in short), the Central Government has referred the industrial dispute between the employers, in relation to the management of State Bank of India and their Union State Bank Karamchari Sena, for adjudication, as per letter No.L-22012/538/99-IR(CM-II) dated 06.07.2000, with the following schedule:—

"Whether the action of the management i.e. Sub Area Manager, Hindustan Lalpeth U/G Sub Area of WCL in not reinstating Sh. Chandu Mahakali Sohari and 9 others are legal, Proper and justified? If not, to what relief the workmen are entitled and from what date? What other directions are necessary in the matter?"

List of Workmen involved in the dispute

1. Shri Chandu Mahakali Sohari
2. Narsingha Rajam
3. Ram Reddy Rammanna
4. Dhanraj Bhaiyalal
5. Ramlal Gayaprasad
6. Ramalu Ghatiyya
7. Mala Reddy Shyamrao
8. Shankar Matiya
9. Anand Nago
10. Odel Raimallu

2. On receipt of the reference, parties were noticed to file their respective statement of claim and written statement, in response to which, the union, "National Colliery Workers Congress" ("the Union" in short) filed the statement of claim on behalf of the ten claimants and the management of W.C.L. ("party no. 1" in short) filed the written statement.

The case of the ten claimants as projected by the Union in the statement of claim is that Western Coalfields Ltd., is a government company and falls within the meaning of "State" under Article 12 of the Constitution of India and all the ten claimants have been working at saw machine owned by the party no. 1 since 1989 and the saw machine was installed by the party no. 1 at the incline mouth, within the vicinity of the mine to safe guard their interest and the party no. 1 has been issuing work orders every year specifying cutting of timber into sleepers of different sizes, as per the requirement of the management and the timing of working of the saw machine was controlled by the management and the work to be done at the saw machine was also be under the direction and control of the management and timbers were purchased and supplied by the party no. 1 for cutting of the same in the saw mill into sleepers of specific sizes as per its requirements and without

sleepers of specific sizes, the haulage track on underground as well as on surface cannot be laid and similarly, in underground, the roof support and other incidental day to day work for production of coal and safety of mine and persons working therein cannot be undertaken without sleeper and barricading etc. and cutting logs into sleeper of required sizes is a job of permanent and perennial nature and keeping in view this very aspect, the Joint Bipartite Committee for Coal Industry ("the JBCCI" in short) during deliberations under National Coal Wage Agreements III, IV, V and VI have categorically decided that Industry should not employ labour through contractor or contractor's labour on jobs of permanent and perennial nature and should be carried out departmentally and the Member secretary of JBCCI issued implementation instructions No. 35 dated 17.07.1984 to all coal companies repeating the provisions under para 11.5 and 11.5.4 of NCWA-III for implementation of the same and to send monthly progress report to JBCCI office to review the progress and the same provisions were also in NCWA—IV, V and VI and implementation of the provision of the NCWA is mandatory for the management and as per the provisions of the NCWA, the jobs of permanent and perennial nature must be done departmentally and as such, the ten claimants are entitled for absorption in regular basis on the rolls of the management with retrospective effect from January 1990, in accordance with the category and wages and other consequential benefits as specified in NCWA and the claimants were working in the saw mill regularly and continuously for about 11 years and inspite of the same, they were stopped from working/terminated w.e.f. December 1998, without notice, amounting to retrenchment without compliance of the mandatory provisions of the Act and the action of the party No. 1 therefore is illegal and the claimants are entitled for reinstatement in services with continuity and wages and other consequential benefits. It is further pleaded in the statement of claim that after receipt of the implementation instruction No. 35 dated 17.07.1984, the WCL management absorbed/regularized workers working at saw mills in different Mines/units by entering into settlement with unions, such as at Ballarpur, Nagpur, Wani, Majri, Pench and Patharkhera Areas of WCL and as such, denying similar benefits to the present claimants is an act of discrimination and unfair labour practice and violative of the principles of natural justice and the claimants had been employed by the management though may be indirectly but their day to day work was controlled and supervised by the management and it is established law that where the workmen are employed for doing jobs of specific type for the management, such workmen will be treated as employees of concerned management.

Prayer has been made by the union to absorb/regularize/reinstate the claimants on the rolls of the management w.e.f. January 1990 with full or proper back wages and other consequential benefits.

3. The party No. 1 in its written statement has pleaded *inter-alia* that the reference is not maintainable due to non mention of the designations, ticket/token numbers, place of work and date of termination in the schedule of reference and the union has no locus standi to espouse the case of the claimants, as 25% of the workers of Lalpeth underground colliery are not its members and no resolution has been passed by the members of the union for espousal of the dispute on behalf of the claimants. It is further pleaded by the party No. 1 that the claimants were never its employees and there was no employer and employees relationship between it and the claimants and as such, the question of raising an industrial dispute or existence of an industrial dispute on behalf of the claimants does not arise and therefore, the Tribunal has not jurisdiction to adjudicate the matter. The further case of the party No. 1 is that a saw mill at Lalpeth colliery has been installed for the purpose of cutting timber/sleepers of different sizes as per the requirement in the mine and this work is periodical and intermittent and not a whole time job and for doing this jobs, quotations are invited from different outside parties and measurement/quantity basis on the terms/rates agreed by the parties and work order is given to get the timber/sleepers to be cut in the mill during the period of validity of the work order and bills are submitted periodically on the basis of the quantum of work done and bills are paid in lumpsum after due checking and verification and the parties engage their workmen periodically to their requirements and those men are totally under the supervision and control of the tenderer and they are also paid by the tenderer and the employment/termination and other conditions of service such as grant of leave etc. are under the administrative control of the tenderer. The party No. 1 has further pleaded that even if it is assumed for a while that the claimants had been engaged by it through contractor as alleged by the union, they have no right to be regularized as departmental employees, as because engagement of contract labour in the saw mill does not fall under the prohibited category under the government notification issued for this purpose, under contract labour (Regulation and Abolition) Act, 1971, the job done in the saw mill is not of permanent and perennial nature and the same is intermittent and periodical and therefore, the provisions of NCWA are not applicable and in the alternative, the NCWA do not provide that if a contract work of permanent and perennial nature of job is abolished or the job is taken over directly by the department, the contractual workers if any should be regularized/taken over as departmental employees and that if the management engages contract labour in permanent and perennial nature of job, such labour would be treated as departmental employee and the NCWA has not specified which jobs in the Coal Industry have to be treated as permanent and perennial nature and therefore, the claim that timber cutting in the saw mill is a job of permanent and perennial nature is not tenable and the timber cutting job in the said mill is still going on as and when required and the

tenderer, Ramlal Gupta has been doing the job and he had done the job in 1999 and 2000 and the allegation that management stopped the claimants from working in the saw mill is not correct and if the tenderer, Ramlal Gupta did not engage any person to get his work done, the management cannot be held responsible for the same and such contract work was going on from 1990, but the dispute was raised in 1999 and no explanation has been given as to why the claimants or the union kept mum for such a long period of nine years and as such, they are estopped from putting forward such a belated claim and the very fact that the claimants continued to work for long ten years without any protest signifies that they were convinced that there was no irregularity or breach of the provisions of NCWA, as the jobs they were performing were not of permanent or perennial in nature and the claimants are not entitled to any relief.

4. In the rejoinder, it has been pleaded by the union that the union is competent to espouse the claim of the claimants and the saw mill is owned by the management, which is installed in mine premises and the management has supervision and control over the size of the timber and the men engaged in the saw mill cannot be held to be the men engaged by the contractor and the work of the saw mill is of permanent and perennial in nature.

5. Besides placing reliance on documentary evidence, both the parties have adduced oral.

Ramlal Gaya Prasad Gupta, Chandu Mahakali Souhari and Chilka Hanumant have been examined as witnesses on behalf of the claimants.

One S. Tangaraj has been examined as a witness by the party No. 1.

6. Ramlal Gupta, who has been examined as the witness No. 1 for the claimants has stated that though he had been shown as the contractor, actually he had been working as a "Mistry" in the saw mill. However, such statement of Ramlal cannot be taken into consideration, in view of the fact that such a stand has not been taken in the statement of claim. Moreover, the said statement of this witness also cannot be believed, in view of the evidence produced by the claimants themselves, about which, discussion will be made later on. It is also necessary to mention here that the first sentence of the examination-in-chief, which is on affidavit, witness Ramlal has stated that, "management of Lalpeth underground sub-area are providing him the work of cutting logs with saw from 08.12.1989 continuously and at present also management is providing the work". Such statement of Ramlal shows two things. First, that management is providing him the work of cutting timber as a contractor and secondly, the reference made by the Government regarding reinstatement of the claimants is not proper. In paragraph three of his affidavit also, Ramlal has stated that he himself and 9 other

claimants are still working in the saw mill. If, actually the claimants were working in the saw mill and are still working in the same, then there is no question of reinstatement of the claimants. The rest of the evidence of Ramlal is reiteration of the facts mentioned in the statement of claim and rejoinder filed by the claimants. In his cross-examination also, Ramlal has stated that he himself and other claimants are working in the saw mill of lalpeth colliery and inspite of the same, the claim petition has been filed by the General Secretary, NCBW union and their services were never terminated and they have claimed to regularize their services. It is necessary to mention here that the reference has not been made for regularization of the services of the claimants.

7. The evidence of Chandu Mahakali Souhari and Chilka Hanumant is also in the same line that has been taken by the claimants in the statement of claim. Chandu Mahakali, who is one of the claimants in this case also in his cross-examination has stated that he himself and all other claimants of this case are still working in the saw mill of Hindustan Lalpeth and in this case, they have claimed to regularize their services from the year 1990.

8. Thangaraj, the witness examined on behalf of party No. 1 has also reiterated the facts mentioned in the written statement, in his examination-in-chief, which is on affidavit. In his cross-examination, it has been brought on record that the saw machine was installed by WCL about 10 to 15 years back and the ten claimants are not the employee of WCL and Ramlal Gupta is the contractor and at present the work of cutting logs is done by Ramlal.

9. At the time of argument, it was submitted by the learned advocate for the claimants that the union is entitled to espouse the claim of the claimants and the claimants are to be treated as the employees of the party no. 1 and there was employer and employee relationship between the claimants and the party no. 1 and the documents submitted by the claimants and the oral evidence adduced in this case clearly establish that the saw mill was installed by the party no. 1 and it is under the supervision and control of the party no. 1 and the work of cutting logs and sleepers according to the instructions of the party no. 1 is a perennial and permanent nature of job and the party no. 1 was to maintain the saw mill and also supply the timber and persons like the present claimants working in saw mills of Ballarpur, Pather Khera and Nagpur Area had been taken on roll of the management and as the claimants had been working continuously from 1990 and they were stopped from working w.e.f. 01.12.1998 and as such, they are entitled to be reinstated with full back wages.

In support of such contents, the learned advocate for the claimants placed reliance on the decisions reported in AIR 1970 SC 737 (Workmen of Indian Express Newspaper P. Ltd. vs. The Management), AIR 2000 SC-1508, Indian Overseas Bank vs. I.O.B Staff Canteen Workers), 1984(4) SCC-392 (Workman, Hindustan Lever Ltd. vs. Hindustan

Lever Ltd.), AIR 1954 SC-1746 (Hocatiel Gemmon vs. Industrial Tribunal, Bhubaneswar), AIR 1974 SC-34 (Silver Jubilee Tailoring House vs. Chief Inspector) and 2006 LAB I.C.-1527 (H.M. Awasthy vs. Union of India).

10. Per contra, it was submitted by the learned advocate for the Party no. 1 that the union is not competent to raise the dispute as the same is not a union of the workers of Hindustan Lalpeth Colliery no. 3 and the union does not have at least 25% of the workers as its members and the reference is vague, as the designation, place of work and date of the alleged termination have not been mentioned and such a vague reference is not maintainable in the eye of law and Ramlal Gupta is awarded contract after floating tender for cutting timbers and sleepers and documents Annexure A to P have been filed and proved by the witness for the party no. 1 and the said documents show that Ramlal Gupta has signed those documents as a contractor and it is clear from the evidence of Ramlal Gupta and Chandu Mahakali that all the claimants were still in the job till 26.02.2002, the date of the evidence, which facts clearly show that the claimants were not stopped by the management from working and for that, the question of reinstating them does not arise and the union by taking advantage of the reference has tried to enlarge the scope of the reference claiming departmentalisation/regularization of the claimants by the WCL management, which is entirely outside the terms of the reference and the Tribunal has to adjudicate the reference within the frame work of the schedule and Tribunal cannot enlarge the terms of reference and travel beyond the same and as such, the claimants are not entitled to any relief.

In support of the submissions made by the learned advocate for the party no. 1, reliance was placed on the decisions reported in AIR 1966 SC-182 (Workmen of Dharammalal vs. Dharam Chand Prem Chand), AIR 1970 SC-737 (Supra), 1992 LAB I.C.-75 (Dena Nath vs. National Fertilisers Ltd.), 2001 LAB I.C.-3656 (Steel Authority of India vs. National Union Water Front Workers), AIR 1981 SC-1625 (Firestone Tyre vs. Workmen) and AIR 1979 SC-1356 (Pottery Mazdoor Panchayat vs. Perfect Pottery Company Ltd.).

So keeping in view, the principles enunciated by the Hon'ble Apex Court in the decisions cited by the learned advocates for the parties, now, the present cast at hand is to be considered.

10. On perusal of the schedule of reference, it is found that the same is an incomplete and vague schedule. The schedule of reference does not have the place of work of claimants, the designation or post of the claimants and the alleged date of their termination. In the schedule, the claimants have also not been referred as the workmen. The Central Government should not have referred the dispute with such a vague schedule for adjudication.

11. It is also clear from the schedule of reference that the reference has been made to adjudicate about the reinstatement of the claimants and the entitlement of the claimants in relation to such reinstatement and if any direction from the Tribunal is necessary in the matter.

The reference is not in regard to regularization or departmentalisation of the claimants by the management. It is well settled by the Hon'ble Apex Court that the Tribunal cannot go beyond the terms of the reference. Hence, there is no question of adjudicating the claim of the claimants regarding regularization or departmentalisation.

At this juncture, I think it apropos to mention that the two of the claimants, namely Ramlal Gupta and Chandu Mahakali, who have been examined as witnesses no. 1 and 2 respectively on behalf of the claimants, in their evidence before this Tribunal have categorically stated that they had never been stopped from working in the saw mill and they are still being provided work by the management and they are still in work. In view of such categorically admission of the two claimants, it is found that there was never any termination of the claimants or discontinuance of the claimants from the work, which they were doing and as such, there is no question of reinstatement of the claimants. Therefore, the reference is found to be not only redundant but also infructuous.

12. The claimants nowhere in the statement of claim have claimed that they were appointed or engaged by the party no. 1 and the date of their appointment or engagement and so also the name of the post and category of the same or as to on what capacity they were engaged. They have also not mentioned the mode of their engagement *i.e.* casual, temporary or daily wages basis. They have also not claim that they were the workmen under party no. 1.

13. The claimants have claimed that they were working since 1990. In support of the same, they have placed reliance on the documents filed by them as W-2 to W-6. Documents W-2 to W-5 are copies or work orders issued by the party no. 1 in favour of Ramlal Gupta. The said documents show that Ramlal Gupta as the contractor was given work orders for cutting timber into sleeper with the conditions incorporated in the said work orders from year to year. The said documents have been filed on behalf of the claimants and the genuineness of the same has also not been challenged by the parties. The documents filed on behalf of party no. 1 also show that Ramlal Gupta as the contractor was being given the work of cutting timber to sleeper by the party no. 1 as per rates quoted in the quotation and payment was also being made to Ramlal as per the work executed by him.

According to the claim of the claimants document W-6 having 113 sheets is the statement of attendance/ payment sheets from 1990 to 1998. On perusal of the said document, it is also found that the same was maintained by

Ramlal Gupta as the Contractor. It is also found from the said document that the same does not support the claim of the claimants that they were working from 1990 to 1998. Rather, the said document shows that the union has not come up with a clean hand. The contents of some of the sheets of the document W6 are not visible. Sheets nos. 1 to 9, which relate to the period from January 1997 to June 1997 show that the same were attendance of eight persons and not of all the ten claimants. Sheet 10 to 20, which relate to the attendance for the period from July 1997 to December 1997 show that the same were attendance sheet of nine persons. Sheet no. 71 and 72 show that payment was made to 12 persons. Sheet no. 74 shows payment was made to 11 persons. Sheet no. 75 shows payment was made to 14 persons. Sheet nos. 66, 67 and 68 show that the same are attendance sheet and payment sheet relating to the period from 01.04.1991 to 30.04.1991 of 11 persons and in that sheet, the name of the present claimants are not there. The name mentioned in the said sheets are Krushna Gopal, Chandra Prakash, Mahesh, Dinesh, Rabi, Suresh, Raju, Dhanraj, Shivkumar and Kamlesh. Sheets no. 71 and 72 show engagement of 12 persons. Sheet no. 75 and 76 show engagement of 14 persons. Sheet no. 113 relating to the period from 05.03.1993 to 26.03.1993 shows the engagement of only five persons. So from the document W-6, it is found that the claim of the claimants that they have been working from 1990 to 1998 continuously is not true.

From the documentary evidence and the oral evidence, it is clear that the claimants were never engaged by the party no. 1 and there was no master and servant relationship between the party no. 1 and the claimants and there was no question of any termination of the claimants and as such, there is also no question of their reinstatement in service.

In view of the above findings, I do not think it necessary to go into the other contention raised by the party no. 1 including the competency of the union to raise the dispute. Hence, it is ordered:

ORDER

The reference as made is not maintainable on the grounds that the same is vague, redundant and infructuous. The claimants are not entitled to any relief. There is also no necessity of giving any directions in the matter.

J.P. CHAND, Presiding Officer

नई दिल्ली, 29 नवम्बर, 2011

का० आ० 3747.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार गैरीसन इंजिनियर/मैसर्स इलेक्ट्रो कॉमर्सियल कम्पनी के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण भुवनेश्वर के पंचाट (संदर्भ संख्या

10/2009) को प्रकाशित करती है, जो केन्द्रीय सरकार को 29-11-2011 को प्राप्त हुआ था।

[सं. एल-13012/4/2008-आईआर (डीयू)]

जोहन तोपनो, अवर सचिव

New Delhi, the 29th November, 2011

S.O. 3747.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 10/2009) of the Central Government Industrial Tribunal-cum-Labour Court, Bhubaneswar as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Garrison Engineer (I), R&D and M/s. Electro Commercial Company and their workmen, which was received by the Central Government on 29.11.2011.

[No. L-13012/4/2008-IR(DU)]

JOHAN TOPNO, Under Secretary

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, BHUBANESWAR

Present:

Shri J. Srivastava,

Presiding Officer, C.G.I.T-cum-Labour

Court, Bhubaneswar.

INDUSTRIAL DISPUTE CASE NO. 10/2009

Date of Passing Award—17th November, 2011

Between:

1. The Garrison Engineer (I), Ministry of Defence, R. & D, At./Po. Chandipur, Dist. Balasore, Orissa—756 025.
2. The Managing Director, M/s. Electro Commercial Co., Western Street, R. No. 307, Kolkatta—700 012.

... 1st Party—Managements.

(And)

Their workman Shri Ram Chandra Majhi,
S/o. Shri Baidhar Majhi, At./Po.—Sunhat,
Distt. Balasore, Orissa.

... 2nd Party—Workman.

Appearances:

None. ... For the 1st Party—
Management No. 1 and 2.

None. ... For the 2nd Party—
Workman.

AWARD

An industrial dispute existing between the employers in relation to the management of Ministry of Defence,

R & D, Chandipur and their workman was referred by the Government of India in the Ministry of Labour under powers conferred by clause (d) of sub-section (1) and sub section (2A) of Section 10 of the Industrial Disputes Act, 1947 vide their letter No. L-13012/4/2008-IR (DU), dated 17.02.2009.

2. The dispute as referred to is mentioned below:

"Whether the contract between the management of Garrison Engineer-I, Chandipur and M/s. Electro Commercial Company, with regard to employment of Shri Ram Chandra Majhi is sham and bogus and whether the action of the management of the said contract in terminating the services of above workman w.e.f. 28.11.2004 is legal and justified? If not, to what relief the workman is entitled to?

3. The 2nd Party-workman in pursuance of the order of reference has filed his statement of claim submitting that he has worked as a daily rated workman under the 1st Party-Management and was receiving wages at the end of every month amounting to Rs. 1930/-. He was engaged in electrical works which was a perennial nature of job without any break and was awaiting for his regular service. But his services were terminated by the 1st Party-Management without any cause with effect from 28.11.2004, whereupon he raised a dispute before the Labour Officer (Central), Bhubaneswar. After prolong discussion conciliation failed and the dispute was referred to this Tribunal for proper adjudication. The 1st Party-Management has not followed the provisions of Section 25-F of the Industrial Disputes Act, 1947 and terminated his service without any notice. He has put in more than 10 years of service. Therefore he may be reinstated with full back wages.

4. The 1st Party-Management No. 1 and 2 despite putting appearance in the case and taking time have failed to file any written statement. Hence the case was ordered to proceed ex parte against them and the 2nd Party-workman was directed to file ex parte evidence. But for the last four consecutive dates parties have not appeared. A notice was also issued to the 2nd party-workman to file ex parte evidence, but he did not care to appear and file ex parte evidence. Thus no evidence in support of the claim has come from the side of the 2nd Party-Workman. Without supporting evidence the claim of the 2nd Party-Workman cannot be accepted and it cannot be taken as granted that the 2nd Party-workman has worked with the 1st Party-Management for 240 days during the period of 12 calendar months preceding the date of termination of his service. As such it cannot be held that the provisions of Section 25-F of the Industrial Disputes Act have been violated by the 1st Party-Management in terminating the services of the 2nd Party-workman.

5. No allegations have been made with regard to contract made between the management of the Garrison

Engineer-I, Chandipur and M/s. Electro Commercial Company with regard to employment of the 2nd Party-workman Shri Ram Chandra Majhi being sham and bogus. As such the issue cannot be answered in favour of the 2nd Party-workman. The 2nd Party-Workman has also failed to prove that the action of the Management of said contractor in terminating his services with effect from 28.11.2004 is illegal and unjustified. Therefore the reference is answered against the 2nd Party—workman and he is not entitled to any relief.

6. Reference is answered accordingly.

J. SRIVASTAVA, Presiding Officer

नई दिल्ली, 29 नवम्बर, 2011

कां० 3748.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारत संचार निगम लिमिटेड के प्रबंधन के संबंध में निरीक्षणों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एर्नाकुलम के पंचाट (संदर्भ संख्या 9/2009) को प्रकाशित करती है, जो केन्द्रीय सरकार को 29.11.2011 को प्राप्त हुआ था।

[सं० एल-40012/36/2008-आईआर(डीयू)]
जोहन तोपनो, अवर सचिव

New Delhi, the 29th November, 2011

S.O. 3748.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 9/2009) of the Central Government Industrial Tribunal cum Labour Court, Cochin as shown in the Annexure, in the Industrial dispute between the employers in relation to the Management of Bharat Sanchar Nigam Limited and their workman, which was received by the Central Government on 29.11.2011.

[No. L-40012/36/2008-IR(DU)]
JOHAN TOPNO, Under Secretary

ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, ERNAKULAM

Present:

Shri D. Sreevallabhan,
B.Sc., LL.B., Presiding Officer
(Tuesday the 15th day of November, 2011/
24th Kartika, 1933)

I.D. 9/2009

Workman : Shri K.P. Velayudhan,
Chembattammal House,

Manipuram P.O.,
Koduvally, Kozhikode.

By Adv. Smt. Sadhana Kumari. E

Management : The General Manager,
Telecome, B.S.N.L.,
Calicut.

By Adv. Saji Varghese.

This case coming up for final hearing on 8.11.2011 and this Tribunal-cum-Labour Court on 15.11.2011 passed the following.

AWARD

The Government of India, Ministry of Labour & Employment in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 have referred the industrial dispute to this Tribunal for adjudication *vide* order No.L-40012/36/2008-IR(DU) dated 16.02.2009.

2. The dispute is:

"Whether the action of the management of the General Manager, Telecom BSNL, Calicut, in terminating the services of their workman Shri. K.P. Velayudhan *w.e.f.* 2003 is legal and justified? If not, to what relief the workman is entitled to?"

3. The reference is made at the instance of the workman with regard to the termination of his services by the management *w.e.f.* 2003. After his appearance before this Tribunal he filed claim statement with a prayer for regularisation of his service as a casual labourer of the BSNL by making allegations only to support the same.

4. According to him he was appointed as a casual labourer by the authorized officers of the Department of Telecom (DoT) in accordance with the rules and he was engaged as a Mazdoor during intermittent periods from 18.02.1977 to 02.11.1999 and continuously thereafter till 2003. He was issued with a casual mazdoor card and his name was in the muster roll. As per Casual Labourers (Grant of Temporary Status and Regularisation) Scheme dated 07.11.1989 he was entitled to be confirmed with temporary status. It was not done even after making several representations and filing cases against the management. Persons similarly placed and junior to him have been regularized by the management without even considering the representations made by him for regularisation. Hence he filed O.P. No. 19753/2003 before the Hon'ble High Court of Kerala and pursuant to the direction in that case he filed application for regularisation. But the same was rejected by the management. As he had worked from 1977 till 203 which is more than 26 years after his appointment by the authorized officers of the DOT and he had worked for 220/206 days in an year before the imposition of ban of casual labourers he is entitled to be regularized.

5. In the written statement filed by the management it is contended that the claimant is not entitled to get any relief as there is nothing to satisfy the conditions to be fulfilled for the conferment for empanelment, temporary status and regularisation. The DoT used to engage casual labourers for their various works related to expansion of telephone network. But there was a total ban on recruitment/engagement of casual workers from 22.06.1988. In order to claim temporary status as per the Casual Labourers (Grant of Temporary Status and Regularisation) Scheme the casual labourer must be one in employment before the ban and also at the time of the commencement of the scheme and in continuous service of at least one year, out of which he must have been engaged on work for a period of 240 days (206 in the case of offices observing five day week). The claimant was unable to satisfy the fulfillment of the conditions for temporary status. He had abandoned the casual work before one year from the date of commencement of the scheme and hence it was impossible to count his past casual service for any purpose. Only those who were eligible for temporary status were given the benefits. The management had done nothing to deny the benefits that are legitimately due to him. As per the direction of the Central Administrative Tribunal, Ernakulam Bench in O.A. 1402/93 and the connected cases, applications were invited for empanelment and those found to be eligible after scrutiny were empanelled. The workmen had not submitted any application for empanelment which was to be made within a period of 30 days from the date of publication of notice. His applications and representations for regularisation were properly considered by the competent authority. But the same were rejected as there was no merit in this claim. Hence he is not entitled to any relief.

6. No rejoinder was filed by the workman even though he was afforded sufficient opportunity to file the same.

7. On the side of the workman he was examined as WW1 and Exts. W1 to W5 were marked. MW1 was examined and Exts. M1 to M5 were marked from the side of the management.

8. The points for determination are :

- (1) Whether the claim for regularisation can be considered in this reference?
- (2) Whether there is any reasons to hold that the management of the General Manager, Telecom BSNL, Calicut in terminating the services of their workman Sri K.P. Velayudhan *w.e.f.* 2003 is not legal and justifiable?
- (3) What relief, if any, the workman is entitled to?

9. *Point No. 1:*— The reference is for the purpose of adjudication of the dispute whether the termination of the workman from the services of the management *w.e.f.* 2003 is legal and justified. The reference is not in any way

concerned with regularisation of his service. The entire pleadings as well as the evidence adduced in this case have no bearing on the question of considering the termination of his service. Regularisation is not a matter crops up for consideration in this reference. It cannot even said to be a matter appearing to be connected with or relevant to the dispute for the purpose of answering the reference. It is not known what persuaded the workman to formulate the pleadings and to adduce evidence for considering the issue of regularisation.

10. An industrial dispute as to regularisation is to be espoused either by a union or a number of workmen in the establishment. In *Raghu Nath Gopal Patvardhan* [1957 (1) LLJ 27] the Apex Court ruled as to what dispute can be called as an industrial dispute. It was laid down the (1) a dispute between the employer and a single workman cannot be an industrial dispute, (2) it can not be per-se be an industrial dispute but may become if it is taken up by a trade union or a number of workmen. In *Dharampal Prem Chand* [1965 (1) LLJ 668] it was held by the Apex Court that a dispute raised by a single workman cannot become an industrial dispute unless it is supported either by his union or in the absence of a union by substantial number of workmen. Same law was laid down in the case of *Indian Express Newspaper (Pvt.) Limited* [1970 (1) LLJ 132]. In the decision reported in *Mangalam Publications (India) Pvt. Ltd. v. Thampy* 2006 (2) KLT 327 it was clearly laid down that grievance of an individual workman cannot be adjudicated in a reference under S.10 (1)(c). Therein it was held:

"The dispute should be (1) between the employment and employers/(2) between employers and workmen/(3) between workmen and workmen/(4) and the dispute should be regarding (a) employment or non-employment/(b) the terms of employment/(c) the conditions of labour of any person. It is fairly clear that the industrial dispute contemplated under S. 2(k) is a collective industrial dispute. Any grievance of a workman in an industry has normally a collective dimension and if that is resolved through the collective effort, neither the management nor other workmen need be dragged to unnecessary litigation. Otherwise, it would lead to the situation of every workman either opting for or being forced to getting his grievance redressed in an adjudication. That would certainly affect the industrial peace. Individual grievances unless sponsored through the Union or when there is no Union through the medium of an appreciable number or workmen in the establishment, cannot be adjudicated as an industrial dispute in a reference under S.10 (1)(c)".

11. Here in this case it is only an individual dispute and cannot even be treated as an industrial dispute. An industrial dispute under the Industrial Disputes Act is to

be one between the employer and workmen which is connected with the employment or non employment or the terms of employment or the conditions of labour of any person. There is a distinction between individual dispute and collective dispute. When an individual dispute becomes a collective dispute between the employer and the workmen it can be treated as an industrial dispute under the said Act. An individual dispute which has not become a collective dispute cannot be characterized as an industrial disputes. It is a necessary requirement that the claim put forward should be on behalf of the employees or workmen generally. The essential characteristic of an industrial dispute is a difference of opinion between the employer and the employees in an industry in relation to a claim generally made on behalf of the employees or of a section of the employees or of even one employee depending upon the facts and circumstances of the peculiar case. It is well settled law that an individual workman cannot raise an industrial dispute coming within the purview of S. 2(k) of the Industrial Disputes Act, 1947.

12. This Tribunal has no jurisdiction to consider the question of regularisation except through a reference espoused by a union or a substantial number of workmen in the establishment. As the question of regularisation will not come within the scope of this reference it does not deserve any consideration.

13. *Point No. 2:*—It is not in dispute that the workman was engaged as a casual labourer by the DoT. It is the case of the workman that he was engaged during intermittent periods from 18.02.1977 to 02.11.1999 and continuously thereafter till 2003. There is no allegation as to termination of his services by the management in the claim statement. Being a casual labourer his service can be terminated without complying with the requirements under Section 25-F of the Industrial Disputes Act, 1947 if he was not continuously employed for 240 days in an year. In para 16 of the claim statement it is specifically alleged that he had worked 220/206 days in an year. It is nowhere stated in the claim statement that he had been in continuous employment for 240 days in an year. In the proof affidavit it is stated that he was engaged as a casual labourer from 1977 to February 2001 and had worked for more than 240 days every year. There is absolutely no reliable evidence in this case to prove that he had worked for more than 240 days in an year.

The averments in the proof affidavit about the period of service and the number of days worked in an year are contrary to the allegations in the petition. Ext. W1 is stated to be the casual mazdoor card of the workman. It would go to show that he had worked for 49 days during the years 1977-'78, 99 days during the period 1980-'81, 29 days in between 1.10.1986 & 31.10.1986 and 24 days in November 1986. Ext. W2, the copy of the work details, will also not help the workman to prove that he was continuously

employed for 240 days in an year. Exts. W1 & W2 can at the most be relied on to prove that he had worked as a casual labourer in broken periods during the years 1977 to 1986. The contention put forward by the management in the written statement that the workman abandoned his casual work before one year prior to the implementation of Casual Labourers (Grant of Temporary Status and Regularisation) Scheme which came into effect on 1.10.1989. There is no reliable evidence in this case to support the averment in the proof affidavit of the workman that he had worked for more than 240 days every year from 1977 till 2001. Even in the proof affidavit his claim is only for regularisation and not as to the validity of termination from service. There is no plea in the claim statement regarding the continuous employment for 240 days in an year and there is no reliable evidence to prove the same. There is no specific case in the claim statement or during his examination as WW1 with regard to his termination of service. Being only a casual labourer not engaged continuously for a period of 240 days in an year his services can be terminated at any time by the management without complying with the requirements under Section 25-F of the Industrial Disputes Act. At any cost there is no reason to hold that his service was illegally terminated by the management.

14. *Point No. 3:*—As it is not proved that there was termination of the service of the workman and the same is not legal and valid he is not entitled to any relief.

The award will come into force one month after its publication in the official gazette.

Dictated to the Personal Assistant, transcribed and typed by her, corrected and passed by me on this the 15th day of November, 2011.

D. SREEVALLABHAN, Presiding Officer

APPENDIX

Witness for the Workman

WW1 — Shri K.P. Velayudhan, Workman.

Witness for the Management

MW1 — Rajan Nair M.T., Sub Divisional Engineer, BSNL, Kunnangalam.

Exhibits for the Workman

W1 — Photocopy of Casual Mazdoor Card.

W2 — Photocopy of the work details.

W3 — Photocopy of Order No. LC-III/152/OP No. 19753/2003 dated 30.09.2003 of the Chief General Manager, Telecom, BSNL, Kerala Circle, Trivandrum-33.

W4 — Photocopy of the Judgment dated 06.07.2007 in WP(C) 35782 of 2005(1).

- W-5 — Photocopy of the counter reply statement filed by C. Rajagopalan, Assistant General Manager (Administration), O/o. the Principal General Manager Telecom.

Exhibits for the Management.

- M1 — Photocopy of the Official Memorandum dated 30.09.2000 of Ministry of Communications, Department of Telecommunication Services and the certificate of incorporation dated 15.09.2000 issued by the Registrar of Companies.
- M2 — Photocopy of letter No. 270-6/84-STN dated 22.06.1988 of DOT.
- M3 — Photocopy of the rules regarding the destruction of accounts records.
- M4 — Photocopy of Appendix-3 in Part-I, Vol. III of the of Posts and Telegraphs Financial Handbook.
- M5 — Photocopy of Chapter XI in Vol. I of Swamy's Compilation of Posts & Telegraphs Financial Handbook.

D. SREEVALLABHAN, Presiding Officer.

नई दिल्ली, 29 नवम्बर, 2011

का.अ. 3749.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मेसर्स मेमोरीज फ्रेम फ्यूचर लाइट के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण चेन्नई के पंचाट (संदर्भ संख्या 83/2011) को प्रकाशित करती है, जो केन्द्रीय सरकार को 29-11-2011 को प्राप्त हुआ था।

[सं एल-42011/81/2010-आई आर (डी यू)]
जोहन तोपनो, अवर सचिव

New Delhi, the 29th November, 2011

S.O. 3749.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 83/2011) of the Central Government Industrial Tribunal cum Labour Court, Chennai as shown in the Annexure, in the Industrial dispute between the employers in relation to the management of M/s Memories from the Future Light Fertile Windmill and their workman, which was received by the Central Government on 29.11.2011.

[No. L-42011/81/2010-IR(DU)]
JOHN TOPNO, Under Secretary

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT CHENNAI

Friday, the 18th November, 2011

Present: A.N. Janardanan

Presiding Officer

Industrial Dispute No. 83/2011

[In the matter of the dispute for adjudication under clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947(14 of 1947), between the Management of Memories from the Future of Light (a unit of Artisana Trust) and their Workman]

BETWEEN

Sri R. Sivakumar : 1st Party/Petitioner
Vs.

A Unit of Artisana Trust : 2nd Party/Respondent
M/s Memories from the
Future of Light
Fertile Windmill
Auroville-605101
Pondicherry

APPEARANCE:

For the 1st Party/Petitioner : M/s V. Ajoy Khose,
Advocates

For the 2nd Party/Management : Set Ex-parte

AWARD

The Central Government, Ministry of Labour vide its Order No. L-42011/81/2010-IR(DU), dated 08.09.2011 referred the following Industrial Dispute to this Tribunal for adjudication.

The schedule mentioned in that order is:

"Whether the action of the management of M/s Memories from the Future of Light (A unit of Artisana Trust), Auroville, Pondicherry, in terminating the services of Sri R. Sivakumar w.e.f. 07.11.2003, is legal and justified? What relief the workman is entitled to?"

2. After the receipt of Industrial Dispute, this Tribunal has numbered it as ID 83/2011 and issued notices to both sides. Petitioner entered appearance. The Respondent though served with notice of intimation of the registered notice addressed to him did not claim it and the same was returned unclaimed and has not turned up. Eventually it has been called absent and set ex-parte.

3. Petitioner filed Claim Statement, the averments of which briefly read as follows:

The Auroville founded by the Mother as International Cultural Township in 1968 later taken over by the Government of India was vested with Auroville Foundation

for administration having various units including M/s Memories from the Future of Light (a unit of Artisana Trust), Auroville, Pondicherry. The unit is involved in the manufacture and sale of ornaments, gems and stones in gold and silver. The petitioner with Plus Two educational qualification joined the Management as a Goldsmith in March 2000 with a previous experience of 12 years. He was initially paid @ Rs. 125/- per day with an increase to Rs. 138/- per day later. He had also been given PF coverage. His juniors viz. S/Sri Suresh, Seenu, Subramani and Murugesan were paid @ Rs. 150/- per day apart from Rs. 30/- per day as T.A. Petitioner made a request for on par treatment with them which was not to the like of the Management. On 07.11.2003 he was told not to come for work without any reason. The denial of employment is due to his request for on par treatment with his juniors. He sent complaints and legal notice to the authorities for reinstatement which were not replied even. When the ID was raised the Management in the annexure to their remarks endorsed a complaint making false, untrue and trumped up allegations against the petitioner which he denied in a rejoinder as being levelled by the Management to justify their illegal and unjust termination. Conciliation having failed in a failure report the reference is occasioned. The termination is *mala fide*, vindictive and is illegal. No Memo or Charge memo was issued to the petitioner prior to his termination nor an enquiry was held to prove the allegations. The allegations cannot form basis for the termination. Termination is against natural justice. Termination is retrenchment under Section 2 of the ID Act. Pre-conditions under Section 25(F) of ID Act had not been followed. He had put in more than 240 days of service in each year for whole 3 years. There is no offer to pay legal dues by the Management. There is violation of the conditions of Section-25(F) of the ID Act. Termination is *ab initio void* and nonest in the eye of law. It is again violative of Section 25(G) and 25(H) of the ID Act. New persons have thereafter been appointed which shows existence and availability of work. It is contrary to Section 25(H) of the ID Act. He has been suffering without employment after termination. Thus the claim for reinstatement with all benefits.

4. No Counter Statement is forthcoming since the Respondent has chosen to remain ex-parte.

5. Points for consideration are:

- (i) Whether the termination of the services of the petitioner w.e.f. 07.11.2003 is legal and justified?
- (ii) To what relief the concerned workman is entitled?

5. The evidence consists of the testimony of WW1 and Ex.W1 to Ex.W18 on the petitioner's side. No evidence has been adduced on the Respondent's side who is ex-parte.

Points (i) & (ii)

6. Heard Petitioner's counsel, Persued the records, documents and evidence of the petitioner by way of Proof Affidavit in lieu of Chief Examination with no cross-examination at the instance of ex-parte Respondent.

7. Petitioner's claims stand proved by sworn affidavit and Ex.W1 to Ex.W18 which go to show that contentions in the pleadings on the basis of which he has sought to be reinstated into service. His termination without issuing notice, memo of charge or holding an enquiry is violative of Section 25(F) of the ID Act and principles of natural justice. It is not valid. He is not terminated for any valid or genuine reason disclosed. The termination is illegal and discriminatory. His junior has been provided with higher wages which is discriminatory, challenge of which dissuaded Respondent to terminate him, as he testified. This is enough for *prima facie* satisfaction for elevating the case of the petitioner to the realm of being proved in the absence of the same being controverted by the other side with the required efficacy by opting to shun this forum. There has not been payment of notice pay or compensation at the time of termination. The offer to pay without any proved payment cannot amount to due compliance of the conditions. The action of the 2nd Party appears to be vindictive. The termination is illegal, unjust and is nonest in the eye of law. Petitioner has been proved to be without employment after termination w.e.f. 07.11.2003.

8. Considering all these aspects, standing not rebutted, though allegations have been raised by the Respondent against the petitioner before the conciliation proceedings, but which have been denied by the petitioner imposing burden to prove the same especially on the Respondent failure of which is fatal to the Respondent. The petitioner is entitled to some of the reliefs prayed for. Therefore he is ordered to be given reinstatement with continuity of service and all other attendant benefits without back wages from date of termination but with litigation expenses of Rs. 5000/-.

9. Reference is answered accordingly.

(Dictated to the P.A., transcribed and typed by him, corrected and pronounced by me in the open court on this day the 18th November, 2011)

A.N. JANARDANAN, Presiding Officer

Witnesses Examined:

For the 1st Party/Petitioner : WW1, Shri R. Sivakumar
For the 2nd Party/Management : None

Documents Marked:

On the petitioner's side

Ex.No.	Date	Description
Ex.W1	02.07.2001	2nd Party issued certificate to the 1st Party
Ex.W2	—	Annual PF Subscription account slip for the year 2002-2003

Ex.W3	18.11.2003	Letter from the 1st Party to Auroville Signatory Officer Auroville Foundation
Ex.W4	18.11.2003	Letter from the 1st Party to Auroville Working Committee Auroville Foundations
Ex.W5	18.11.2003	Representations made by the 1st Party the Labour Officer (Conciliation)
Ex.W6	18.11.2003	Legal notice sent by the 1st Party to Mr. Vijay Prop. M/s Memories from the Future of Light, Fertile Wind Mill, Auroville-605101
Ex.W7	10.12.2003	Dispute raised before Assistant Commissioner of Labour (Central) by the 1st Party
Ex.W8	12.12.2003	Remarks filed by the 2nd Party before Labour Officer (Conciliation)
Ex.W9	21.03.2006	Rejoinder filed by the 1st Party to the remarks of the 2nd Party
Ex.W10	16.01.2004 04.12.2007	Letter from the Assistant Commissioner of Labour (Central) to the 1st Party
Ex.W11	19.03.2009	Letter from the 1st Party to Chief Labour Commissioner (RLC) Chennai-6
Ex.W12	27.07.2009	Letter from the Assistant Commissioner of Labour (Central) to the 1st Party
Ex.W13	01.09.2009	Notice issued by the Assistant Commissioner of Labour (Central) for conciliation meeting on 01.09.2009
Ex.W14	07.09.2009	Failure report given and forwarded by the ACL Secretary to Govt. Ministry of Labour and Employment, New Delhi
Ex.W15	01.12.2009	Letter from Assistant Commissioner of Labour (Central) forwarding his failure report to the 1st Party
Ex.W16	24.11.2010	Letter from the 1st party to the Secretary to Government of India, New Delhi
Ex.W17	26.05.2011	Letter from the 1st Party to the Secretary to Government of India, New Delhi
Ex.W18	08.09.2011	Order referring the dispute for adjudication by the Government of India, Ministry of Labour

On the Management's side

Ex. No.	Date	Description
	Nil	

नई दिल्ली, 29 नवम्बर, 2011

का.आ. 3750.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी.सी.सी. लिमिटेड एवं के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, धनबाद न-1 के पंचाट (संदर्भ संख्या 36/2005), को प्रकाशित करती है, जो केन्द्रीय सरकार को 29/11/2011 को प्राप्त हुआ था।

[सं एल-20012/207/2004-आई आर(सी-1)]
डी.एस.एस. श्रीनिवास राव, डेस्क अधिकारी

New Delhi, the 29th November, 2011

S.O. 3750.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 36/2005) of the **Central Government Industrial Tribunal-cum-Labour Court-1, DHANBAD**, as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of *M/s. B.C.C. Ltd.*, and their workman, which was received by the Central Government on 29/11/2011.

[No. L-20012/207/2004-IR(C-I)]
D.S.S. SRINIVASA RAO, Desk Officer

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. I, DHANBAD**

In the matter of a reference U/S. 10(1)(d)(2A) of the Industrial Disputes Act, 1947.

Reference No. 36 of 2005.

PARTIES : Employers in relation to the management of Kusunda Area of *M/s. B.C.C. Ltd.*

And

Their workmen.

PRESENT : Shri H.M. Singh,
Presiding Officer.

APPEARANCES:

For the Employers : Shri U.N. Lal, Advocate.

For the Workman : Shri M.N. Rewani, Advocate.

State : Jharkhand. Industry : Coal.

Dated, the 22.11.2011.

AWARD

By Order No.L-20012/207/2004-I.R.(C-I), dated 24.3.2005 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-sec.(1) and sub-sec.(2A) of Sec.10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal:

"Whether the demand of Bihar Colliery Kamgar Union from the management of *M/s. BCCL*, Kusunda Area in denying to regularise Shri Shreechand Prasad as Instructor is justified? If so, to what relief is the workman entitled and from what date?"

2. The case of the concerned workman is that he was appointed in the post of Helper Trainee (Fitter) in category-I and he joined in North Amlabad Project on 08-02-1990. The post of Helper Trainee (Fitter) was upgraded to the post of Helper Fitter in Category-II w.e.f. 8-2-1991.

The Dy. Chief Personnel Manager (MP&R) had written to the Chief General Manager (E&M), Koyla Bhawan, Dhanbad about the urgent need of Instructor for U/G Mechanical & Demonstrators in HRD Department for their training Institute at Kalyan Bhawan. The C.G.M. (E&M) by their office order dated 22/27-03-1991 called for applications for Instructors & Demonstrators. Accordingly, the concerned workman applied on the basis of I.T.I. Certificate to C.G.M. (E&M), Koyla Bhawan for the post. An interview letter was issued to him on 18-3-1992 and he was interviewed on 25.3.92 and selected but he was transferred to HRD department in his existing capacity by office order dated 22/24-10-1992 and he was continuing to work at Amlabad Project in the capacity of Fitter Helper from 8.2.91. But in the meantime G.M. (HRD) *vide* his representation dated 13.1.93 to the Project Officer, Amlabad Project in pursuance of the letter of D.C.:M. (MP&R) *vide* letter dated 30.1.92 requested to transfer him to EMTI, Dhansar for training the trainees. The concerned workman filed a writ petition before the Hon'ble High Court *vide* CWJC No. 1752 of 1994(R) in which order passed on 27-10-94 observing "Having regard to the facts and circumstances of the case, we direct the respondents to conclude the departmental proceeding in terms of the charge-sheet dated 20.9.93 as contained in Annexure-I within 3 weeks from the date of receipt/production of a copy of this order. If the charge is not substantiated during the departmental proceeding in that event the petitioner shall be relieved so that he can join the new post as prayed for". After getting specific direction the workman was released *vide* order dated 18.11.94 issued by the Project Officer, Amlabad Project. Thereafter he reported for duty to the GM(HRD) BCCL on 19.11.94. The GM(HRD) *vide* order dated 19-12-94 directed him to report for duty to the G.M., Kusunda Area for further deployment at Experimental-cum-Training mine at Godhur. The Area Personnel Manager, Kusunda Area posted him at Area Training Centre of Kusunda Area *vide* his letter dated 13.1.95 mentioning therein the urgent need at Area Training Centre. (VTC). On the demand of the union the then APM, Kusunda Area *vide* his letter dated 20.11.95 requested the Area Training Office, Kusunda Area to give the details regarding nature of job being done by the concerned workman alongwith others. In reply the Training Officer of Kusunda Area gave the desired information dated 9/12-8-96 indicating therein that Shri S.C. Prasad's present designation is Fitter Helper but working as a Mechanical Instructor in Kusunda VTC since 14.1.95 to till date. At present his Category is II since 8.2.91. His total attendance is 323 from date of joining in VTC i.e. 13.1.95. As per prevailing norms of the company for regularisation in a grade or designation 240 days attendance in a calendar year is required. It has been stated that one Uma Shankar Ram has been appointed as Instructor in T&S Gr. B. *vide* appointment letter dated 16/20-4-86.

Under the facts and circumstances stated above, it has been prayed that this Hon'ble Tribunal be pleased to

pass an award by directing the management to regularise the concerned workman as Instructor in T&S Grade-B w.e.f. 14.1.1995 with difference of wages.

3. The case of the management is that the Human Resource Department of Kalyan Bhawan *vide* Notification dated 27.3.1991 had invited applications for the post of Instructor. Due to non-requirement no step was taken by the said department in the above matter. The industrial dispute had been raised by the Union after 12 years of the said Notification which is not tenable. Moreover, the management does not have requirement for the aforesaid post as per record. Shri S.C. Prasad is designated as Fitter Helper. He would get the growth opportunity as per the Grade to which he belongs. There is no such Cadre Scheme in vogue in the Company. The concerned workman is at present posted at Area Control Room. He has no grievance about his job as it seems. In view of the above and as per the L.O.P. there is no merit in the claim. The demand for regularisation without requirement cannot be considered. Rather such demand is unfair, not reasonable and should be dismissed.

It has been prayed that this Hon'ble Tribunal be pleased to pass an award holding that the regularisation of the concerned workman as Instructor is not justified and he is not entitled to get any relief.

4. Both the parties have filed their respective rejoinders admitting and denying the contents of some of the paragraphs of each other's written statement.

5. The management has produced MW-1, Dhanus Dhari Pandit and proved documents as Exts. M-1 to M-3.

The concerned workman has produced himself as WW-1, Srichand Prasad and proved documents as Exts. W-1 and W-2.

6. Main argument advanced on behalf of the concerned workman is that he is performing the job of Mechanical Instructor and he is giving training to the workers of the company as per direction of the management at Area Training Centre from time to time.

7. In this respect the management argued that there is no post of Mechanical Instructor, so he could not be appointed in the post and also argued that he is helper and he has been appointed as helper.

8. In this respect as per order dated 2/4-8-86 which shows that the management *vide* office order instructed the concerned workman and posted him to Training Institute Dhansar and as per Hon'ble High Court in CWJC173 of 1997(R) Annexure 5 it has been shown that the concerned workman has been working as a Mechanical Instructor under the respondents since 14.1.1995 and on the application of the concerned workman dated 10.6.95 it has been written by the Principal Officer, Training Institute,

Kusunda regarding the concerned workman that he is excellent worker and assigned work given to him from time to time during his tenure of service there. He is disciplined and he got aptitude and on the application of the concerned workman dated 9.8.95 to the Officer Incharge, Training Institute, Kusunda who has written that there is no Mechanical Instructor here at Kusunda VTC and there is a requirement. This has been written by Incharge of Training Institute, VTC. This shows that there is post of Mechanical Instructor which vacant and the concerned workman has got training as per certificate submitted by him dated 1.9.1987.

9. The management has considered representation of the concerned workman dated 8.10.97 and passed order dated 10/13-11-97 rejecting the petition of the concerned workman for regularising him to the post and indicated that there is no post. But this representation shows that it has been wrongly rejected when the management's Incharge of Training Institute has written on 29.8.95 that there is no Mechanical Instructor here at Kusunda VTC and there is a requirement. It shows that there is a requirement of Mechanical Instructor which is vacant.

10. Another argument advanced on behalf of the management is that as per Ext. M-3 the concerned workman's petition has been dismissed by the Hon'ble High Court. This order which has been filed by the management shows that it contains only one page, detailed order passed by the Hon'ble High Court of which second page has not been filed by the management. This may show on which ground the petition has been rejected. Another letter of the management dated 22.3.1991 shows that the Dy. C.P.M. had written this letter to Kalyan Bhawan regarding urgent need of Mechanical Instructor. It shows that there is post of Mechanical Instructor for which the management illegally denied that there is no post of Mechanical Instructor on which basis the representation of the concerned workman was rejected. As per office order of the management dated 12.1.93 the concerned workman has been directed by the management to give training to E.M.T.I., Dhansar. This document falsifies the management's action rejecting the representation of the concerned workman for regularising him as Mechanical Instructor and as per order of the management dated 13.1.93 he was transferred to join Training Institute for giving training. As per office order dated 7.6.95 by General Manager the concerned workman has been relieved for VTC, Kusunda for joining the post of Mechanical Instructor. As per certificate issued by Group Training Officer, Kusunda Area, VTC dated 25.1.96, the concerned workman has been appreciated as excellent Mechanical Instructor and he was assigned work given to him time to time from 16.11.95 and still continuing. This also shows that he is working as Mechanical Instructor and has given his good performance to the management and as per document, Ext. W-1 the management has by letter dated 9.1.96 requested to the Area Personnel Manager

by Group Training Officer, VTC that the concerned workman is working as Mechanical Instructor from 14.1.95 till date. His total attendance is 323 from days from date of joining in VTC i.e. 13.1.95. This document shows that the management illegally and falsely stated that there is no post of Mechanical Instructor. All these documents show that he was transferred for giving training and he has been posted as Mechanical Instructor at VTC Training Centre, Dhansar and there is also requirement of Mechanical Instructor and his job at VTC was appreciated by the Incharge of VTC Training Centre who has given certificate for his excellent work by the concerned workman for doing the work of Mechanical Instructor. He was released for giving VTC as Mechanical Instructor.

11. All these show that the management does not want to work fairly to the concerned workman.

12. In this respect management's witness, MW-1 stated in cross-examination at page 4 that as per circular the concerned workman submitted application on 14.8.91. The concerned workman was asked to appear for the post of Instructor as per circular mentioned above. In the letter dated 16/30-6-86 there is requirement for the post of Instructor, (Ext. W-1). At EMTI, Dhansar the work of training is done. I do not know if the concerned workman had worked at HRD, EMTI from time to time. I do not know if the concerned workman was posted at Amlabad colliery. I do not know if the concerned workman was posted at Amlabad and at that time GM, HRD asked to P.O., Amlabad for releasing the concerned workman for training the trainees at EMTI, Dhansar. He has admitted letter dated 12.1.83, Ext. W-2.

13. Considering the above facts and circumstances it shows that as per documents of the management there is post of Mechanical Instructor at VTC, Kusunda. The concerned workman was released for giving training and he is working as Mechanical Instructor. The Incharge of the Institute has given excellent remark regarding his work. He was transferred and released to give training to the trainees by the management's order. So, he is entitled for regularisation as Mechanical Instructor which post is of Grade 'B' w.e.f. 14-1-1995 with difference of wages.

14. In the result, I hold that the demand of Bihar Colliery Kamgar Union from the management of M/s. BCCL, Kusunda Area in denying to regularise Sri Shreechand Prasad as Instructor is justified. Hence, the concerned workman is entitled for regularisation as Instructor which post is of Technical Grade 'B' w.e.f. 14-1-1995 with difference of wages and other consequential benefits. The management is directed to implement the award within 30 days from the date of publication of the award.

This is my Award.

H.M. SINGH, Presiding Officer

नई दिल्ली, 29 नवम्बर, 2011

का.आ. 3751.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी.सी.सी.एल. एवं के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, धनबाद न-1 के पंचाट (संदर्भ संख्या 108/2002), को प्रकाशित करती है, जो केन्द्रीय सरकार को 29/11/2011 को प्राप्त हुआ था।

[सं एल-20012/135/2002-आईआर (सी-1)]

डीएसएस श्रीनिवास राव, डेस्क अधिकारी

New Delhi, the 29th November, 2011

S.O. 3751.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 108/2002) of the Central Government Industrial Tribunal-cum-Labour Court-1, DHANBAD, as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. BCCL, and their workman, which was received by the Central Government on 29/11/2011.

[No. L-20012/135/2002-IR(C-I)]

D.S.S. SRINIVASA RAO, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL NO. I, DHANBAD

In the matter of a reference U/S. 10(1)(d)(2A) of I.D. Act.

Reference No. 108 of 2002

PARTIES: Employers in relation to the management of Moonidih Coal Washery of Western Washery Zone of M/C. B.C.C. Ltd.

AND

Their Workmen

PRESENT : Shri H.M. Singh,
Presiding Officer.

APPEARANCES:

For the Employers : Shri D.K. Verma, Advocate.

For the Workman : Shri S.C. Gour, Advocate.

State : Jharkhand. Industry : Coal.

Dated, the 21.11.2011

AWARD

By Order No. L-20012/135/2002-IR(C-I), dated 7.10.2002 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-sec. (1) and sub-sec. (2A) of Section 10 of the Industrial

Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal:

"Whether the reduction of Sri Basdeo Mahato from Hard Coke Trammer Category-III to Category-I on transfer to alternative job from Simlabahal Colliery to Moonidih Washery is legal, proper and justified? If not, to what relief is the concerned workman entitled?"

2. The case of the concerned workman is that he was a permanent employee of BCCL and was originally deputed to perform his duty at Simlabahal Colliery of Kustore Area as a Hard Coke Trammer of Category-III wages but thereafter he was transferred to SSF, Plant Muraidih in an alternative job, as it was suitable for him, he requested the management to transfer him to a suitable place. Management considered his request and deputed to work him an alternative job of category-I wages at Moonidih Coal Washery but the concerned workman was originally employed as a Hard Coke Trammer and was being paid wages of Category-III which has been affected by causing prejudicial change to his wages which is quite illegal and unfair. Para 23.1 of the Certified Standing Orders of BCCL provided that employees may be transferred from the Coal Mine to another or one Department to other provided the pay grade and condition of services are not adversely affected by such transfer. The conciliation proceeding was ended in failure and the matter has been referred to this Hon'ble Tribunal for adjudication.

It has been prayed that this Hon'ble be pleased to pass an award in favour of the workman by holding that the action of the management is illegal and the concerned workman is entitled to receive the wages of Category-III from the date of joining his duty w.e.f. 12.7.99.

3. The case of the management is that the concerned workman was working as a Hard Coke Trammer at Simlabahal Colliery of Kustore Area as a piece-rated worker. He was transferred to S.S.F. Plant, Muraidih under Barora Area. But instead of joining on transfer post he started absents from his duty. He applied before the management for modification of the transfer order issued by the management. He submitted that the job entrusted to him is very hard and he is unable to perform the said job. Accordingly, the Chief Personnel Manager, Man Power & Recruitment, considered his request and modified the transfer order and transferred him to Moonidih Washery under Western Washery Zone to work as general mazdoor Category-I. He joined Moonidih Washery as per the order of the management to work as a general mazdoor category-I. He accepted the terms and conditions of his transfer order. He has not raised any objection for pretty long time. But all of a sudden after lapse of several years, the sponsoring union raised the present dispute. The demand of the union is neither legal nor justified.

It has been prayed that this Hon'ble Tribunal be pleased to hold that the action of the management is legal and justified and the concerned workman is not entitled to any relief.

4. Both the parties have filed their respective rejoinders admitting and denying some of the contents of each other's written statement.

5. The management has produced MW-1, Moti Kumar Singh, who has proved documents as Exts. M-1 to M-6.

The concerned workman has produced himself as WW-1, Basudeo Mahato, and proved documents as Ext. W-1 and W-2.

6. It has been argued on behalf of the concerned workman that he had been transferred from Hard Coke Trammer of Category-III to Moonidih Coal Washery on a suitable post of Category-I mazdoor which is illegal because no notice has been given under Sec-9-A of the I.D. Act.

In this respect the management's witness MW-1, Moti Kumar Singh's statement is very much material, who stated in cross-examination that I cannot say if any notice was issued under Sec. 9A. Ext. M-1 is for gratuity in Form 'F'. In service excerpt category is not mentioned but general mazdoor has been mentioned. He (concerned workman) came on transferred from Simlabahal Colliery. He was getting wages of trammer. I have got no paper to show that the concerned workman be given Category-I. Order has been issued by Headquarter. But the concerned workman as per wage slip Exts. W-1 and W-2, he was getting Rs. 6186.00 from 21 September to 20 October, 1998 but on December, 2001 he got Rs. 3901.00.

7. It has been argued on behalf of the management that the concerned workman was offered to Category-I as per Ext. M-3, but no application has been made by the concerned workman.

In this respect the workman referred Sec. 9A of the I.D. Act, 1947 - which laid down —

"9-A. Notice of charge — No employer, who proposes to effect any change in the conditions of service applicable to any workmen in respect of any matter specified in the Fourth Schedule, shall effect such change —

(a) without giving to the workmen likely be affected by such change a notice in the prescribed manner of the nature of the change proposed to be effected; or

(b) within twenty-one days of giving such notice: Provided that no notice shall be required for effecting any such change —

(a) where the change is effected in pursuance of any (settlement or award), or

(b) where the workmen likely to be affected by the change are persons to whom the Fundamental and Supplementary Rules, Civil Services (Classification, Control and Appeal) Rules, Civil Services (Temporary Service) Rules, Revised Leave Rules, Civil Service Regulations, Civilians in Defence Services (Classification, Control and Appeal) Rules or the Indian Railway Establishment Code or any other rules or regulations that may be notified in his behalf by the appropriate Government in the official Gazette, apply.

8. Considering the above facts and circumstances I hold that the reduction of Sri Basdeo Mahato from Hard Coke Trammer Category-III to Category-I on transfer to alternative job from Simbahal Colliery to Moonidih Washery is not legal, proper and justified. Accordingly, the concerned workman is entitled to receive the wages of Category-III from the date of joining his duty *w.e.f.* 12.7.99. Management is directed to implement the award within 30 days from the date of publication of the award.

This is my Award.

H.M. SINGH, Presiding Officer.

नई दिल्ली, 29 नवम्बर, 2011

कांआ 3752.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी०सी०सी०एल एवं के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, धनबाद न०-2 के पंचाट (संदर्भ संख्या 98/1996) को प्रकाशित करती है, जो केन्द्रीय सरकार को 29/11/2011 को प्राप्त हुआ था।

[सं एल-20012/82/1994-आईआर (सी-1)]

डी०एस०एस० श्रीनिवास राव, डेस्क अधिकारी

New Delhi, the 29th November, 2011

S.O. 3752.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (*Ref. No. 98/1996*) of the *Central Government Industrial Tribunal-cum-Labour Court-2, DHANBAD*, as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of *M/s. BCCL*, and their workman, which was received by the Central Government on 29/11/2011.

[No. L-20012/82/1994-IR(C-1)]

D.S.S. SRINIVASA RAO, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL (No. 2) AT DHANBAD

PRESENT

SHRI KISHORI RAM,
Presiding Officer.

In the matter of an Industrial Dispute under
Section 10(1)(d) of the I.D. Act, 1947.

REFERENCE NO. 98 OF 1996**Parties:**

Employers in relation to the management of Balgora Area,
BCCL and their workmen.

Appearances:

On behalf of the workmen : None

On behalf of the employers : Mr. D.K. Verma, Advocate.

State : Jharkhand Industry : Coal

Dated, Dhanbad, the 22nd Nov., 2011.

AWARD

The Government of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act., 1947 has referred the following dispute to this Tribunal for adjudication *vide* their Order No. L-20012(82)/94-I.R. (C-I), dated, the 6/9.8.96.

SCHEDULE

"Whether the demand of the Union that S/Sh. Uday Kumar Chatterjee and 35 others (as per list enclosed) working in Kustore Shramik Sangh Samiti at Burrugarh Colliery of M/s. BCCL were actually the workmen of the principal employer is legal and justified? If so, to what relief are these workmen entitled and from which date?"

2. The case of the sponsoring Union for workmen Uday Kumar Chatterjee and 35 others (as per list enclosed) is that they have spotlessly been working in the underground of the mines at Burrugarh Colliery since long after their engagement in the job of perrenial nature such as loading into tub after blasting the stone face, line packing, coal loading, tyndal job, as helper to the Pump Operator, Fitter, conveyor belt erection, Timber and line helper, cable lowering and spreading, tramming, oiling of the road header as per direction and authorisation of and under supervision of the Management as per Mines Act, Rules and Regulations. All the implements for performance of the job are being supplied by the Management. They have been serving and producing goods for the benefit of the colliery management. As per the wage Board Recommendation, the statutory force, implemented by the Management, the workmen are legally entitled to Category I wages at least just as per the N.C.W.A. But the Management has been paying them their wages below the rate of N.C.W.A. on the ground as the employees of the co-operative, to which

they protested and insisted for payment of wages for the category I as per N.C.W.A. with all other consequential benefits. The Management got annoyed with their such repeated insistences, and began to harass them. So the Union on their behalf raised the Industrial dispute before the ALC(C) Dhanbad, on 29.9.92 for their regularisation. Unfortunately, the management terrified and stopped them from their work by terminating their services from Dec., 1992 during the conciliation proceeding; thus the Management changed their service condition by stopping them from service from the said period. The adamant attitude and reply of the Management pleading towards the workmen as the employees of the co-operative society resulted in failure of the conciliation proceeding, hence the reference for adjudication. The demand of the workmen for treating them as the actual workman of the principal employer of M/s. BCCL is legal and justified whereas the action of the Management in not regularising them with Category I wages was illegal, arbitrary unjustified and against the principle of natural justice.

3. Specifically denying the allegations of the Management, it has been pleaded in rejoinder in behalf of the workmen that they were engaged by the Management in permanent job of prohibited nature. In fact, the reference of the dispute was refused but was allowed by the Ministry as per the direction of the Hon'ble High Court Division Bench. It is endicent to submit the alleged profit amount was allegedly used to be distributed amongst all the members of the alleged co-operative society.

4. Whereas accordingly denying the aforesaid allegations of the workmen, the case of the Management is that the reference is not maintainable as no employer-employee relationship ever existed between the management and these persons. They through the Union concerned represented that they were the members of the co-operative society named Kustore Shramik Sahayog Samiti under its Registration No. 30 Dhanbad, 1988. The Union raised the case before the ALC(C) Dhanbad, by its letter dt. 29.9.92 that the workman worked at Burrugarh Colliery from January, 1991 on various jobs as contractor workers on the basis of the work orders issued to the aforesaid society. It also aserted the jobs of permanent nature were executed by the persons through the contractor *i.e.* the co-operative society, they should be deemed to be the employees of the principal employer, so they claimed for regularised. But the demand of the Union was not based on proper materials. The management represented before the ALC(C) that these persons had worked at Burrugarh Colliery on the contracts awarded to the aforesaid society. The Management never awarded any contract to the society on any job of permanent nature or any job prohibited under Sec. 10 of the Contract Labour Regulation and Abolition Act, 1970. The Central Government as per its Notification No. L-20012(82)/94-IR (Coal-I) dated 3.4.95 earlier refused to refer the dispute, but it was referred for

adjudication with a view to give opportunity to the Union to establish the genuinity of its claim according to the L.P.A. No. 279/1995 (R) after the dismissal of its Writ Petition C.W.J.C. No. 1293/1995 (R). The demand of the Union for their regularisation is incorrect, as these persons were/are members of a Co-operative Society and are governed by the provisions of the Bihar and Orissa Co-operative Society Act, 1935 and its Rules, under which the society functioning under its Secretary Ramashis Paswan was awarded the contract by the Management concerned for various miscellaneous jobs such installation of a pump, haulage, dismantle of machineries (on surface) and drilling, blasting shot firing, mucking, cleaning, dressing etc. and incidental to drivage for cross over in exigency of geological disturbances for which the Secretary was empowered to select, recruit and deploy the workmen according to their capability as undertaken by them, to supervise their duties, and after completion of the jobs, to submit the bills to the Management, and to make payment to the workers engaged by him. The profit amount on execution of such jobs undertaken by the co-operative society strictly in accordance with the said Act as well as aforesaid Notification U/S. 10 thereof was distributed amongst all the members of the co-operative society, as the concerned persons were entitled to get the profit from such contract works.

5. Further is alleged that some of the members of the society on the contract job as unskilled workers as helpers to the skilled one recruited by it, and they earn their wages as agreed rate paid by the Society on contract jobs. The formations and registration of the co-operative societies of workers in furtherance of the Government policy was encouraged by the District Administration for the persons interested for working as contract workers on the contract from the Government and Public Sector Undertaking so as to be free from exploitation by capitalist contractor, and to get their profit divided amongst the members of the society. So the Management of M/s. BCCL became a party to the Govt. policy in awarding contractors to the co-operative Societies at various places. No provision of the Co-operative Societies Act, its Rules or Bye-laws provides for treating the members of the co-operative society as employees of the Government or the Public Sector Undertaking for the contract work. The members of the said society are share holders of it, but its workmen. If they executive a job by themselves being employers, they can not demand to be considered as workmen of the principal employer. All the members of the said society never worked on any contract, rather few of them worked themselves with specialised workers under the employment of the co-operative Society according to requirement, all its members cannot assert themselves to be the workmen engaged in all the contract jobs awarded to the co-operative society. Moreover, according to the various payments made to the co-operative Society by the Burragarh Colliery during the

different financial year, about 40 to 50,000/- rupees were paid to it and considering minimum wages of Rs. 1500/- per month, 30 workmen could hardly work for 30 days in a year, or even in case of 36 workmen. Therefore, the possibility of providing them regular jobs on contract jobs is purely imaginary. Thus, the demand of the Union for their regularisation is false, baseless as well as absurd.

6. The Management in its rejoinder has pleaded that as per the provision of the Mines Act, the managerial and competent supervisory personnel of the Management have the liability to inspect the site in the mine for safety to the engagement of workers either directly the Management or through the contractors. But the said personnel of the Management neither supervise the work of contractor workers nor exercise control over them. It is the responsibility of the Principal employer to ensure safe working place for the contractor workers even on surface workers. The job of stone cutting while crushing over any geological disturbance includes stone cutting, blasting loading etc. and packing also and in that process all materials coming are removed and transported through tubs. Such work in the drivage or installation of any machineries, pumps or tram line conveyance etc., if the duration of the drivage is less than six months, and likely to last one to ten days respectively-all the works are temporary, not permanent or perennial, and are not prohibitive to the engagement of Contract Labour. Such temporary works can be carried out by the contractor workers after the supplier supplies the machineries and plants, or the same made available at the stone or at the working place after their repair. The contractor is responsible for supply of all the implements for execution of the contract jobs. The persons working under the society get the wages as agreed between the society and workmen. The concerned persons merely get the profit for the shareholders of the co-operative society. Some of the members personally carried on the jobs, get the remuneration as the workmen, though not as workmen. It was for the co-operative society, to decide the rates of wages payable to its employed persons.

FINDING WITH REASONS

7. In this case, WW-1 Sanjay Pandey, one of the workman in behalf of the union, and MW-1 Janakdeo Pandey, the Senior Personnel Officer, for the management have been examined.

On the perusal of the oral and documentary evidence of the workman and the oral evidence of the management available on the case record, the admitted facts are as under:—

- (i) These workmen have not got any appointment letter, C.M.P.F., Pay Slips or Identity Card from the management. They casually worked in the year 1991-1992 as per their alleged Attendance sheets

(the copies thereof marked as Extt. W-1 and 2 series), and

- (ii) The company has its own permanent Miners and Loaders for cutting and loading coal in the underground and its own line men and their helpers.

8. According to the statement of WW-1 Sanjay Pandey, one of the workmen, it is claimed on behalf of the workmen that they used to perform their duties in the underground such as making holes in the stones and coal, packing explosive, loading coal and stone into the tub after blasting in addition to their duties as Fitter Helper and Pump Helper and as Helper to the Line Mistry which were of permanent nature, under the supervision of the Officers of the management; they performed their duties with the tools supplied by the management in three shifts from 8 A.M. to 4 P.M., and accordingly from 4 P.M. to 12 Midnight and thereafter from 12 Midnight to the next 8 A.M. under the supervision of the management, for more than 240 days in a year. In support of his claim, this witness (WW-1) has proved piece of paper under the signature of Manager Baskinath Sahay, B.K. Singh, Foreman, the list of workers and the nature of their job allotted under the signature of Devender Kumar, the First Manager and the Notesheets under the signature of Tarun Kumar Chatterjee, and Engineer as Extt. W-1, W-2 and W-3 series. He has stated that they were stopped from working from December, 1992, hence, they claim for reinstatement with full back wages, treating them as the employees of BCCL. Though the witness has claimed to have get slips for the implements supplied by the company during their duties, as well as Attendance Register, yet he did not file any such document to show their regular attendance.

9. Whereas the statement of MW-1 Janakdeo Pandey as the Senior P.O. of Kustore Area of M/s. BCCL since 1987 to 1992 is that since the management has permanent workmen at Burragrah Colliery for performing the job of stone cutters, coal cutter, carrying explosive as well as Fitter and Helpers; either the management or the Assistant Manager cannot engage any outsider for working in those capacity; the co-operative society known as Kustore Shramik Sangh Sahayog Samity registered under the Co-operative society used to engage workers for doing jobs on the basis of the work orders issued by the Agent to the Society and used to pay them their wages for their work and the bills for the payment of those workers of the co-operative society used to be prepared from the Colliery Office after checking their work but the workers of the society never served the colliery for contractual work continuously, so their claim of their attendance for 240 days in a calendar year is false. The witness has also asserted that the attendance of the underground workers maintained in the Form C Register may be produced to show the number of Attendance days of the concerned

workmen, through he never saw any of them working in the underground. This witness (MW-1) has flatly denied the alleged willfully withholding of the Form C by the management for the year 1990 to 1992.

10. Despite ample opportunity to the Union concerned, it's authorised Lawyer did not turn up for argument but Mr. D.K. Verma, the Ld. Advocate for the management has submitted that as per the schedule the workmen are the employees of the Co-operative Society, Kustore Shramik Sangh Samity, so they cannot be the employees of the Management; as such their claim is not legal or justified.

11. On the scrutiny of the documentary evidence as adduced on behalf of the Union/workmen I apparently find that none of the copies of the documents of Attendance Report nor any notesheet (Extt. W-1 and W-2 series) proves that the workmen had continuously worked for 240 days in a calendar year in 1991 or in 1992, rather each piece of the Ext. W-1 series proves the casual requisition for always a few workmen by the concerned authority of their Kustore Shramik Sahayog Samity for temporary working such as transporting slipper, rollers, haulage, stringer, track, tyndal, hydraulic oil to be filled up, fitting hose pipe, operation of pump, tub lifting, belt conveyor installation, welding, winding engines, bolt tightening, surface transformer etc., which are purely of temporary nature just as the Notesheets (Ext. W-3 series) denote the same for miscellaneous jobs for pumping and production done by the Co-operative workers for the month of August, 1990 and the documents (photo copies of a few workmen—Ext. W-2 series) prove them as the workmen of aforesaid Co-operative Society who worked casually for the aforesaid job.

12. On the consideration of the aforesaid facts I find and hold the demand of the Union that Shri Uday Kumar Chatterjee and 35 others (as per the list enclosed) working in Kustore Shramik Sangh Samity at Burragrah Colliery of M/s. BCCL as actual workmen of the principal employer is not only illegal and unjustified but also meritless, so the workmen are not entitled to any relief.

KISHORI RAM, Presiding Officer

LIST OF WORKMEN

NAME S/Sh.	FATER'S NAME S/Sh.
1. Uday Kuamar Chatterjee	Nandan Chatterjee
2. Kalo Prasad Yadav	Kashi Yadav
3. Ramkisum Paswan	Jalu Paswan
4. Gowri Shankar Yadav	Ganesh Yadav
5. Radheshyam Tiwari	Guptashwar Tiwari
6. Angat Tiwari	Guptashwar Tiwari
7. Sanjay Paney	Radhakanta Yadav
8. Ganga Sankar Pandey	Shivchandra Pandey

9. Dhananjay Pandey	Radhakanta Pandey
10. Dharuwa Dee Bhakta	Deo Nandan Bhakta
11. Harendra Bhakta	Bhuwa Bhakta
12. Chando Pandit	Hari Pandit
13. Krishna Yadav	Shri Nath Yadav
14. Ashok Kumar Rawani	Girja Prasad Rawani
15. Surendra Mandal	Rambater Rawuth
16. Jagdish Singh	Bishnath Singh
17. Panchu Paswan	Labru Dusadh
18. Arjun Mahto	Tulshi Mahto
19. Bhagan Yadav	Chagur Ahir
20. Ramchandar	Rampati Yadav
21. Hara Ram Yadav	Rampati Yadav
22. Anup Kumar	Nandan Chatterjee
23. Upendra Yadav	Misri Yadav
24. Ramesh Prasad Yadav	Tulshi Yadav
25. Dilip Singh	Bramhadev Singh
26. Balishtar Yadav	Nand Kumar Yadav
27. Suraj Mandal	Ram Awatar Raught
28. Sudama Gour	Lutan Gour
29. Ramsarup Yadav	Bramhadev Yadav
30. Naresh Yadav	Luttu Yadav
31. Naresh Kumar	Kapil Mani Singh
32. Satendra Singh	Bhagwati Singh
33. Pawan Singh	Ram Prabash Singh
34. Raghunath Ram	Birain Ram
35. Krishno Deo Prasad	Dewkinandan Prasad
36. Ramesh Ram	Shri Guli Ram

नई दिल्ली, 29 नवम्बर, 2011

का.आ. 3753.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार बी.सी.सी.एल. एवं के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण धनबाद नं. 2 के पंचाट (संदर्भ संख्या 278/2001) को प्रकाशित करती है जो केन्द्रीय सरकार 29-11-2011 को प्राप्त हुआ था।

[सं. एल-20012/408/2001-आई आर (सी-1)]
डी.एस.एस. श्रीनिवास राव डेस्क अधिकारी

New Delhi, 29th November, 2011

S.O. 3753.—In pursuance of Section 17 of the Industrial Disputes Act, 1947, (14 of 1947) the Central Government hereby publishes the award (*Ref. No. 278/2001*) of the *Central Government Industrial Tribunal-cum-Labour Court-2, DHANBAD*, as shown in the

Annexure in the Industrial Dispute between the employers in relation to the management of *M/s. BCCL*, and their workman, which was received by the Central Government on 29/11/2011.

[No. L-20012/408/2001-IR(C-I)]
D.S.S. SRINIVASA RAO, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

PRESENT

SHRI KISHORI RAM
Presiding Officer,

In the matter of an Industrial Dispute under
Section 10(1)(d) of the I.D. Act, 1947.

REFERENCE NO. 278 OF 2001

Parties:

Employers in relation to the management of Madhuban Washery Zone of M/s. BCCL and their Workman.

Appearances:

On behalf of the workman : Mr. N.C. Arun,
Representative of the
workman & Advocate.

On behalf of the employers : U.N. Lal, Adv.

State: Jharkhand Industry: Coal

Dated, Dhanbad, the 15th Nov., 2011.

ORDER

The Government of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication *vide* their Order No. L-20012/408/2001-I.R. (C-I), dated, the 23rd October, 2001.

SCHEDULE

"Whether denial of regularisation of Shri N.P. Singh as Leading Inspector/Technical Supervisory Gr. B by the management of Madhuban Washery Zone of M/s. BCCL is legal, proper and justified? If not, to what relief is the concerned workman and from what date?"

2. Mr. N.G. Arun, the Ld. Advocate for the workman is present, but Mr. R.N. Ganguly, the Ld. Advocate did not appear for the management. No witness for the evidence of the workman is present, though the aforesaid Ld. Advocate representative of the workman has submitted for the closure of the case on the ground that the workman is not interested to contest the suit/reference.

3. From the perusal of the case record, I find that the present reference relates to the issue of denial to regularisation of workman N.P. Singh as Leading Inspector/ Technical Supervisor Grade-B by the management of Madhuban Washery Zone of BCCL. The case has been pending for the evidence of workman since 11.2.2005. Since then several notices including registered notice dt. 2.5.02, 4.2.03, 15.10.07, 21.10.10 were issued for his evidence, but till now not a single witness has been produced in support of his case.

To-day Mr. U.N. Lal, the Ld. Advocate files an authority to represent the management. This is the eldest case, in which even after lapse of five years, no witness for the workman produced. So the conduct of the workman shows his disinterestedness to contest the case. Therefore, proceeding with the case under these circumstances of uncertainty is futile. Hence it is closed and accordingly the order is passed.

KISHORI RAM, Presiding Officer.

नई दिल्ली, 29 नवम्बर, 2011

कांआ 3754.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार बीसीसीएल-एवं के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण धनबाद नं० 2 के पंचाट (संदर्भ संख्या 265/2001) को प्रकाशित करती है जो केन्द्रीय सरकार को 29-11-2011 को प्राप्त हुआ था।

[सं० एल-20012/292/2001-आई आर (सी-1)]

डीएसएस श्रीनिवास राव, डेस्क अधिकारी

New Delhi, 29th November, 2011

S.O. 3754.—In pursuance of Section 17 of the Industrial Disputes Act, 1947, (14 of 1947) the Central Government hereby publishes the award (*Ref. No. 265/2001*) of the *Central Government Industrial Tribunal-cum-Labour Court-2, DHANBAD*, as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s, BCCL, and their workman, which was received by the Central Government on 29/11/2011.

[No. L-20012/292/2001-IR(C-1)]

D.S.S. SRINIVASA RAO, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

PRESENT

SHRI KISHORI RAM,
Presiding Officer,

In the matter of an Industrial Dispute under Section
10(1)(d) of the I.D. Act, 1947

REFERENCE NO. 265 OF 2001

PARTIES:

Employers in relation to the management of Block II. Area of M/s. BCCL and their Workman.

APPEARANCES:

On behalf of the workman : Mr. N.C. Arun,
Representative of the
workman.

On behalf of the employers : Mr. D.K. Verma, Advocate.

State: Jharkhand

Industry: Coal

Dated, Dhanbad, the 15th Nov., 2011.

ORDER

The Government of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication *vide* their Order No. L-20012/292/2001-I.R. (C-1), dated, 21.9.2001.

SCHEDULE

"Whether non regularisation of Shri Davlal Pandit as explosive Magazine Clerk by the management is justified? If not, to what relief is the workman entitled and from what date?"

2. Mr. N.G. Arun, representative of workman is present, and Mr. D.K. Verma, Ld. Advocate for the management is also present. No workman is present for his evidence, rather Mr. Arun, representative of the workman submits for the closure of the case on account of the fact that the workman has no interest to contest the case.

3. Perused the case record. I find the case has been pending for the evidence of workman since 30.11.2005, for which notices, registered one as well as show cause dt. 18.2.08, 19.03.08, 11.10.10 have been issued, but till now not a single witness for evidence in behalf of the workman has been produced even to-day.

4. The present reference relates to the issue about non-regularisation of workman Shri Davlal Pandit as Explosive Magazine Clerk by the Management. As Mr. N.C. Arun, the Ld. Representative Advocate for the workman has submitted for the closure of the case, I find the workman unwilling to contest the case. Hence, it is proper to close the case, as the proceeding for uncertainty is futile as well as wastage of time and energy of the Tribunal. Hence, the case is closed and accordingly order is passed.

KISHORI RAM, Presiding Officer.

नई दिल्ली, 29 नवम्बर, 2011

कां०आ० 3755.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी०सी०सी०एल० एवं के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण धनबाद नं० 1 के पंचाट (संदर्भ संख्या 67/2003) को प्रकाशित करती है जो केन्द्रीय सरकार को 29-11-2011 को प्राप्त हुआ था।

[सं० एल-20012/289/2002-आई आर (सी-1)]

डी०एस०एस० श्रीनिवास राव, डेस्क अधिकारी

New Delhi, 29th November, 2011

S.O. 3755.—In pursuance of Section 17 of the Industrial Dispute Act, 1947, (14 of 1947) the Central Government hereby publishes the Award (Ref. No. 67/2003) of the *Central Government Industrial Tribunal-cum-Labour Court-I, DHANBAD*, as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. *BCCL*, and their workman, which was received by the Central Government on 29/11/2011.

[No. L-20012/289/2002-IR(C-I)]

D.S.S. SRINIVASARAO, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 1), DHANBAD

In the matter of a reference U/s. 10(1) (d) (2A) of the Industrial Disputes Act, 1947.

REFERENCE NO. 67 OF 2003

PARTIES:

Employers in relation to the management of Joyrampur Colliery of M/s. *BCC Ltd.* and Their Workman.

Present : Shri H.M. Singh,
Presiding Officer.

Appearances:

For the Employers : Shri D.K. Verma, Advocate.

For the Workman : Shri S.C. Gour,
Vice President,
R.C.M.C.

State: Jharkhand Industry: Coal

Dated, the 23.11.2011.

AWARD

By Order No. L-20012/289/2002-IR(C-I) dated 16.7.2003, the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of

sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal:

"Whether Project Officer, Joyrampur Colliery, BCCL is justified in not correcting the D.O.B. of Sri Dulli Mahato as 31.7.47 on the basis of Winding Engine 1st Class Certificate Examination? If not, to what relief is the workman entitled?"

2. The case of the concerned workman is that he was appointed on 16.8.1971 by the erstwhile owner of Khas Joyrampur Colliery and posted at their Khas Joyrampur Colliery initially as a Miner Loader and thereafter in the time rated jobs. He passed Winding Engine, 2nd Class Certificate from Board of Mining Examination D.G.M.S. in the year 1987 vide no. 1262 and D.O.B. was recorded as 31.7.1947 on its body and the management of Joyrampur colliery started taking job of winding engine operator thereafter. He passed winding engine 1st Class certificate of competency, issued by the Chairman of Board of Mining Examination under Mines Act, 1952 and Regulations 1957, vide no. 868 on 2.2.1992 by recording date of birth as 31.7.1947, besides other details on its body. The management started taking job of winding Engine Driver by correcting D.O.B. in their records as 31.7.1947 on the basis of I.I. No. 76 of JBCCI issued in the year 1988. The management corrected D.O.B. in the records of Identity Card. Thereafter, the concerned workman came to know from the office of the Agent/Dy. C.M.E. Joyrampur colliery in early January, 2001 that the management was contemplating to superannuate him prematurely w.e.f. 31.7.2004. He represented before the management several times after January, 2001 to treat D.O.B. as 31.7.1947 as per I.I. No. 76 of JBCCI of 1988 and office order issued by the employer in this regard, but to no avail. Thereafter an industrial dispute was raised before the A.L.C.(C) Dhanbad, which ended in failure and the dispute has been referred to this Tribunal for adjudication.

It has been prayed that the Hon'ble Tribunal be pleased to pass on award holding that the action of the management in not correcting D.O.B. of Dulli Mahato as 31.7.47 on the basis of winding Engine 1st Class Certificate Examination is not justified and the concerned workman is entitled to the relief of recording of D.O.B. as 31.7.1947 in all the records.

3. The case of the management is that the concerned workman was appointed on 16.8.1971 and as per the service record his date of birth was 31.7.1944. In the year 1987 the management issued a service excerpt to the workman concerned mentioning his date of birth as 31.7.1944. He submitted service excerpt without raising any dispute in respect of his date of birth mentioned in the service excerpt. His date of birth finally recorded in NEIS. The concerned workman raised the present dispute and demanded correction of his date of birth as per Winding Engine First

Class Certificate which he passed in the year 1992. As per I.I. No. 76 correction of date of birth as per statutory certificate is taken into consideration only when it is acquired prior to coming into employment, whereas the concerned workman obtained the said certificate in the year 1992 almost 21 years after coming into the employment. He obtained aforesaid certificate by giving his wrong date of birth of the Examination Department. The said certificate has got no value for correction of date of birth of the concerned workman. The record of NEIS was prepared after the submission of service excerpt by the workman and the date of birth recorded in NEIS cannot be altered in any circumstances.

It has been prayed that this Hon'ble Tribunal be pleased to hold that the management is justified in not correcting the date of birth of the concerned workman as 31.7.47 on the basis of Winding Engine First Class Certificate and further be pleased to hold that the workman concerned is not entitled to get any relief.

4. Both the parties have filed their respective rejoinders submitting and denying the contents of some of the paragraphs of each other's written statement.

5. The concerned workman examined himself as WW-1 and proved documents as Exts. W-1 to W-8.

The management neither produced oral evidence nor documentary evidence.

6. Main argument advanced on behalf of the concerned workman is that his date of birth is 31.7.1947 as per Winding Engine 2nd Class Certificate issued by DGMS, Dhanbad, but the management has illegally not corrected his date of birth and treating his date of birth as 31.7.1944.

The management's representative argued that the date of birth of the concerned workman is 31.7.1944 which is entered in Service Excerpt of the concerned workman. He did not raise any dispute about his date of birth mentioned in the service excerpt. He passed Winding Engine 1st Class Certificate in the year 1992 and he himself declared his date of birth in NEIS, which is statutory document. He has not given any document at the time of appointment for recording his date of birth as 31.7.1947, which cannot be accepted. He obtained aforesaid certificate after 1987 when service excerpt was given to him. The said certificate has got no value for correction of date of birth of the concerned workman.

7. In this respect evidence of the concerned workman is very much material. WW-1 has stated in cross-examination that I do not know if in the Form 'B' register my date of birth was entered as 31.7.1944. He also stated that the management issued service excerpt to me in the year 1987. He also stated that it is not a fact that in the service excerpt my date of birth was recorded as 31.7.1944. I have given application for examination in the D.G.M.S. I passed

examination in the year 1992. Date of birth recorded in the Winding Engine Certificate according to my writing given by me. I have not filed any paper before joining regarding my date of birth which may show 31.7.1947. This statement of the concerned workman shows that he has given according to his will and without any document his date of birth as 31.7.1947. When he joined he had not given any document regarding his date of birth which may show that his date of birth is 31.7.1947. In the year 1987 his date of birth has been entered in Form 'B' Register as 31.7.1944. Form 'B' Register is maintained under the Mines Act, so it cannot be changed. When he got service excerpt he had not given any application so that his age may be corrected as 31.7.1947. His date of birth was challenged by his own will as 31.7.1947 as per Winding Engine Certificate which cannot be his correct date of birth.

Considering the above facts and circumstances, the action of the management is justified in not correcting the date of Sri Dulli Mahato as 31.7.47 on the basis of Winding Engine 1st Class Certificate Examination.

8. Accordingly, I render the following award—

The action of the Project Officer, Joyrampur Colliery, BCCL is justified in not correcting the DOB of Sri Dulli Mahato as 31.7.47 on the basis of Winding Engine 1st Class Certificate Examination and hence the concerned workman is not entitled to get any relief.

H.M. SINGH, Presiding Officer.

नई दिल्ली, 29 नवम्बर, 2011

का.आ. 3756.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी.सी.सी.एल. एवं के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, धनबाद के-2, के पंचाट (संदर्भ संख्या 15/2008) को प्रकाशित करती है, जो केन्द्रीय सरकार को 29-11-2011 को प्राप्त हुआ था।

[सं. एल-20012/92/2006-आई आर (सी-1)]
डो.एस.एस. श्रीनिवास राव, डेस्क अधिकारी

New Delhi, the 29th November, 2011

S.O. 3756.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 15/2008) of the *Central Government Industrial Tribunal-cum-Labour Court-2, DHANBAD*, as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of *M/s. BCCL*, and their workman, which was received by the Central Government on 29.11.2011.

[No. L-20012/92/2006-IR (C-1)]
D.S.S. SRINIVASA RAO, Desk Officer

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL (NO. 2) DHANBAD.****PRESENT****SHRI KISHORI RAM,**
Presiding Officer.In the matter of an Industrial Dispute under
Section 10 (1) (d) of the I.D. Act, 1947.**REFERENCE NO. 15 OF 2008****PARTIES:**Employers in relation to the management of Govindpur
Area No. III of M/s. BCCL and their workman.**APPEARANCES:**

On behalf of the Workman : None

On behalf of the employers : None

State: Jharkhand Industry: Coal.

Dated, Dhanbad, the 15th Nov., 2011.

ORDER

The Government of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10 (1) (d) of the I.D. Act., 1947 has referred the following dispute to this Tribunal for adjudication *vide* their Order No. L-20012/92/2006-IR(CM-I), dated, the 31.01.20

SCHEDULE

"Whether the demand of the Rashtriya Colliery Mazdoor Sangh from the Management of Block-IV (Kooridih Colliery of M/s. BCCL to give Shri Ayodhya Paswan, Mechanical Fitter Cat.-VI Service Linked upgradation (SLU) in justified. If so, to what relief is the concerned workman entitled and from what date?"

2. Neither the Union representative nor the workman appeared despite the notices including registered on dt. 9.6.08, 19.01.11, 22.3.11 and show cause dt. 22.6.11 to the Union Secretary, R.C.M.S. Kusunda Area VI, P.O. Godhar, Dist. Dhanbad have been issued. Nor Written Statement filed on behalf of the workman. Mr. D.K. Verma Advocate for management (without authority) present.

3. The perusal of the case record transpires that the case has been pending ab initio for filing W.S. in behalf of the workman since 17.1.11, for which several times the notices including Registered one as well as show cause were issued, even none represented the workman nor file any Written Statement. The very conduct of the workman clearly indicates their disinterestedness to contest the case. The present case relates to the demand of the Union concerned for S.L.U. (Service Linked Upgradation) to

workman Shri Ayodhya Paswan, the Mechanical Fitter Cat. VI.

Under this circumstance I think it is proper to close the case on account of the disinterestedness of the Union/workman in contesting it. Hence the case is closed and accordingly order is passed.

KISHORI RAM, Presiding Officer

नई दिल्ली, 29 नवम्बर, 2011

का.आ. 3757.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सीसीएल एवं के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, धनबाद नं.-1, के पंचाट (संदर्भ संख्या 279/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 29-11-2011 को प्राप्त हुआ था।

(सं एल-20012/160/2000-आई आर (सी-1))

डीएसएस श्रीनिवास राव, डेस्क अधिकारी

New Delhi, the 29th November, 2011

S.O. 3757.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (*Ref. No. 279/2000*) of the *Central Government Industrial Tribunal-cum-Labour Court-I, DHANBAD*, as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of *M/s. CCL*, and their workman, which was received by the Central Government on 29.11.2011.

[No. L-20012/160/2000-IR (C-I)]

D.S.S. SRINIVASA RAO, Desk Officer

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL NO. 1, DHANBAD.**In the matter of a reference U s. 10 (1) (d) (2A) of the
Industrial Disputes Act, 1947**REFERENCE NO. 279 OF 2000****PARTIES:**Employers in relation to the management of
M/s. Central Coalfield Limited.**AND**

Their Workman

Present : Shri H.M. Singh,
Presiding Officer.**APPEARANCES:**

For the Employers : Shri D.K. Verma, Advocate.

For the Workman : Shri D. Mukherjee, Advocate.

State: Jharkhand Industry: Coal.

Dated, the 23.11.2011

AWARD

By Order No. L-20012/160/2000-IR (C-I) dated 18.9.2000 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-sec. (1) and sub-sec. (2A) of Sec. 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal:

"Whether the action of the management of M/s. Central Coalfield Limited, P.O. Kathara, Dist. Bokaro to dismiss Shri Dasrath Gope, workman Cat-I from service is legal and justified? If not, to what relief is the workman concerned entitled?"

2. The case of the concerned workman is that he was originally appointed as permanent workman against permanent vacancy in the month of October, 1995. His name was sponsored from the Employment Exchange, Ramgarh and accordingly he was interviewed and selected. The appointment letter was issued under the signature of the then General Manager (P&A) Due to inadvertant mistake in the appointment letter some plots numbers were written and alleged relationship. The concerned workman represented before the management against the inadvertant writing of plot number etc. and had submitted specifically that he was appointed on the basis of interview and his name was being sponsored by the Employment Exchange. From the date of appointment the concerned workman had been working regularly and continuously. But the local management was very much biased and prejudiced against him, so with an ulterior motive to victimise him a false chargesheet dated 8.10.97 was issued to him. He submitted reply to the chargesheet denying the charges, but the Enquiry Officer conducted the enquiry in utter violation of the principle of natural justice. The concerned workman requested the Enquiry Officer to summon S/Shri J.N. Singh, Haridwar Singh and Akhileshwar Singh, the then G.M. (P&A), Dy. C.P.M. (P&R) and Dy. P.M.(R) respectively, whose evidence was relevant and important. The Enquiry Officer relied on an alleged report of the committee allegedly consisting of S/Sri P.K. Das, G.D. Gulal and A. Lakra, without examining them in the enquiry. Even in the invalid and irregular enquiry the charges against him was not established still then he was dismissed by G.M. (KTA) who had no authority to dismiss the concerned workman. Thereafter an industrial dispute was raised before ALC (C), Hazaribagh, which ended in failure and the present dispute has been referred to this Tribunal for adjudication.

The action of the management of M/S.C.C. Ltd. in dismissing the concerned workman was neither legal nor justified.

It has been prayed that this Hon'ble Tribunal be pleased to answer the reference in favour of the workman by awarding reinstatement with full back wages and other attendant benefits.

3. The case of the management is that the concerned workman committe a serious misconduct. Therefore, the management issued him a charge-sheet *vide* charge-sheet dated 8.10.97. The following charges were levelled against him: "Shri Dasrath Gope son of Deo Nath Gope fraudulently managed to secure employment in CCL as Trainee cat. I *vide* appointment letter No. PO/MP/Appt/LL/A-812, dated 13.10.95 under the land looser Scheme of Piparwar Area, CCL, without the approval of competent in as much as he claimed himself to be the grand son of Sahdeo Kurmi, the owner of the land bearing Khata No. 42, Plot No. 394, 396, 419, 426, 433, 459, 479, 480, 481 and 485at Village-Karo, P.S. Keredari, District Hazaribagh, which was acquired by CCL for mining operation, but on enquiry made subsequently it has been found that the said Dashrath Gope is neither nephew nor a nominated owner of the above plots of land to get a employment in CCL. It has also been found that against the above plots of land appointment had already been given in CCL to Sohari Kurmi son of Sahdeo Kurmi *vide* appointment letter No. PD/MP/Appt/LL/87-88/R-98 3, dated 2/12/95. This proves that Dasrath Gope has entered into the service of CCL by furnishing wrong information relating to his claim for employment and relationship with the owner of the aforesaid plots of lands."

Thereafter the concerned workmen submitted his reply and denied the charge-sheet. The Enquiry Officer conducted the domestic enquiry in accordance with the principles of natural justice and submitted his enquiry report holding therein that the charges levelled against the workman concerned is fully established. Thereafter the disciplinary authority supplied the enquiry report to the concerned workman, who submitted his explanation. After considering the enquiry proceeding, enquiry report and explanation of the concerned workman, the management dismissed him for proved misconduct. The enquiry was held in accordance with the principles of natural justice.

It has been prayed that this Tribunal be pleased to pass an award holding that the dismissal of the concerned workman is legal and justified and he is not entitled for any relief.

4. Both the parties have filed their respective rejoinders admitting and denying some of the contents of each other's written statement.

5. The enquiry was held be to fair and proper *vide* order dated 3.3.2011.

6. The management has provided MW-1, H.K. Tripathy and proved documents as Exts. M-1 to M-9.

The concerned workman has produced himself as WW-1 (Dashrath Gope).

7. Main argument advanced on behalf of the concerned workman is that he was appointed as permanent workman by the General Manager as per order of Headquarters. His name was sponsored from Employment Exchange, Ramgarh in pursuance of call interview letter being No. 15/94/673-74 dated 27.7.94 on the demand of CCL vide letter No. 1052-53 dated 4.7.94 and No. 1137 dated 12.7.94 and his name was appearing in sl. no. 19 and he was interviewed and selected and was appointed. The Project Officer, Kathara Colliery issued a chargesheet dated 8.10.97 on the alleged ground that he was appointed under land looser scheme as grand son of Sahadeo Kurmi but actually no land belongs to Sahadeo Kurmi. The management conducted an enquiry and dismissed him by the General Manager of the Area. It has also been argued that the Hon'ble Supreme Court has held that all dismissal case is to be adjudicated as per Section 11-A of the I.D. Act and the Tribunal can act as appellate court and can re-appreciate the evidence and to come to a conclusion different than the conclusion reached by the Enquiry Officer. In this respect 2008 (116) F.L.R. 731(SC) and 2010(125) FLR 187(SC) have been referred on behalf of the workman concerned. It has also been argued that for getting employment under land looser scheme, the essential formalities to be complied with which are—(1) There must be application for settling the land and for employment under land looser scheme from the person claiming employment or from the owner of the land (2) After getting the application the Estate Department of the company verifies the ownership and title from the respective Government office, (3) only after getting clearance report the management purchased the land from the owner of the land through Registered sale Deed, (4) After purchasing of the land the management directed the person demanding employment of complete the formalities as identities by filing Mukhiya, B.D.O. etc. certificates (5) After getting all documents the matter was processed in the area and then the same was forwarded to the Headquarters for issuing appointment letter.

Management's witness MW-1 admitted in cross-examination that no application submitted on behalf of the concerned workman claiming employment under land looser scheme and no aforesaid document filed in the domestic enquiry to prove the fact of claiming employment under land looser scheme or Registered sale Deed or any document for identification for getting employment under land looser scheme. In the domestic enquiry the management miserably failed to produce the original file regarding their appointment. In this regard the workman referred to page 4 para 2 of the enquiry report which runs as—"Para 2—The original base files related to the appointment of those 24 persons were requisitioned by the Vigilance Department from C.G.M. (P&A), CCL, Ranchi and D(P), CCL, but the same were not made available to this department, stating no such files are available in the

Recruitment Cell of CCL where the files were supposed to be available, and again in para 4 in para 4 it has been mentioned that the copies of fake appointment letters are exhibited as Ext. M/E-3. It has also been stated that management's appointment letters bear the signature of G.M. (P&A) and there is no dispute about the same, and in domestic enquiry in page 8 para 10, the management's witness admitted that all the appointment letters, ME-3 were duly signed by the competent authority, and in para 8, para 10 it is admitted by the management that on this the witness replied that the base file in respect of fake appointment never exists. Moreover, the enquiry report at page 16 in para 7, the finding of the Enquiry officer is—"The base file which are with Vigilance Department was examined by me and it was found that the name of Dasrath Gope does not appear as the nominee of the owner of plot of land against which appointment letter has been issued to the charged employee. This report and finding of the Enquiry Officer shows that when enquiry officer does not find that the concerned workman was appointed under land looser scheme and he was not nominee of plot of the areas against which he was appointed then the management's action shows that it is only fake and without any document the concerned workman was dismissed from service. It is for the management to issue appointment letter on the basis of application of the concerned workman for getting employment has been moved and also Registered Sale Deed which has been executed by his uncle, Sahadeo Kurmi, which has not been filed by the management in the domestic enquiry file. The concerned workman filed Employment Register Certificate that his name was registered in the Employment Exchange. It shows that the management does not want to come with clean hand to show that the concerned workman was employed through Employment Exchange.

8. Management's representative argued that F.I.R. had been lodged against 24 persons in which the name of the concerned workman appeared for getting fake appointment under land looser scheme. So, it should be presumed that the concerned workman got employment by fake appointment letter under land looser scheme because C.B.I. filed case with other persons. But this argument does not seem to be weight because the management has proved that the concerned workman has got fraudulent appointment under land looser scheme in which management application form of the concerned workman for getting employment and also registered sale deed executed by his uncle and verification by management regarding existence of land with authorities which has not been filed. It only shows that there is no documents produced on behalf of the management in the domestic enquiry or before the Tribunal for fraud committed by the concerned workmen for getting employment under land looser scheme.

9. Moreover, the management's witness clearly stated in the domestic enquiry that the base file for appointment is not available, so the same could not be filed. He further stated that no base file ever existed. If that base file does not exist in the domestic enquiry, it seems to be in the enquiry report and part of enquiry proceeding, but it is not so. Moreover, the Enquiry Officer in page 16 para (iii) of the conclusion it has been written that he has got his job against some written examination held on 26.3.1995 and for which his name was sent of CCL by Employment Exchange, Ramgarh, does not stand because though he had appeared in that examination but had not qualified.

Another argument advanced on behalf of the concerned workman is that he was appointed by the General Manager (P&A) Headquarters and he was dismissed by the General Manager of the Area, who is lower in rank than appointing authority and his dismissal is illegal, as per law laid down by Hon'ble Supreme Court.

10. In this respect the management's witness, MW-1, in cross-examination stated that the G.M. (P&A) and G.M. of the Area are of the same rank and the dismissal order passed by the G.M. of the Area is also illegal because the G.M. is the appellate authority in view of the judgement of the Hon'ble Supreme Court reported in 1995—Vol-I—LLN Page 840.

Another argument advanced on behalf of the concerned workman is that prior to dismissal no second show cause notices was given. The management failed to prove for giving second show cause notice before passing final dismissal order and in this respect F.L.R. 1995 page 817 has been referred in which Hon'ble supreme court laid down—"United Commercial Bank officers (Discipline and Appeals) Regulations, 1976-Regulation 8 (2)(iii) r/w Regulations 3 (9)—Right of Appeal and Review—Since appellate authority has exercised the power of the disciplinary authority—Appellant was deprived of right of appeal and of Review—As such order of dismissal has inherent defect—order liable to be set aside."

11. The management's witness MW-1, H.K. Tripathy, stated in cross-examination at page 3 that I cannot say if any second show cause notice was given to the concerned workman or not.

12. As per document of the management Annexure-2 dated 12.10.95 whows the name of the concerned workman at serial No. 7 and against his name 'selected' word has been used. It seems that he was selected only after examination or interview, otherwise it has been written he was appointed under land looser scheme.

Considering the above facts and circumstances, it shows that the management has illegally dismissed the concerned workman from service and the action of management is not justified.

13. In the result, I hold that the action of the management of M/s. Central Coalfield Ltd., P.O. Kathara, Dist. Bokaro to dismiss Shri Dasrath Gope, workman Cat-I from service is not legal and justified. Accordingly, the concerned workman is entitled to be reinstated in service with 50% back wages from the date of dismissal till his reinstatement and other consequential benefits. The management is directed to implement the award within 30 days from the date of publication of the award.

This is my Award.

H.M. SINGH, Presiding Officer

नई दिल्ली, 29 नवम्बर, 2011

कां आं 3758.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बीसीसीएल एवं के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, धनबाद नं-2 के पंचाट (संदर्भ संख्या 95/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 29/11/2011 को प्राप्त हुआ था।

[सं एल-20012/98/2005-आई आर(सी-1)]

डी० एस० एस० श्रीनिवास राव, डेस्क अधिकारी

New Delhi, the 29th November, 2011

S.O. 3758.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 95/2005) of the Central Government Industrial Tribunal-cum-Labour Court-2, Dhanbad, as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. BCCL, and their workman, which was received by the Central Government on 29/11/2011.

[No. L-20012/98/2005-IR(C-I)]

D.S.S. SRINIVASA RAO, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

PRESENT

SHRI KISHORI RAM,
Presiding Officer.

In the matter of an Industrial Dispute under
Section 10 (1)(d) of the I.D. Act, 1947.

REFERENCE NO. 95 OF 2005

PARTIES:

Employers in relation to the management of E.J. Kshetra of
M/s. BCCL and their workman.

APPEARANCES:

On behalf of the workman : Mr. Ram Ratan Ram,
Advocate.

On behalf of the employers : Mr. U.N. Lal,
Advocate.

State : Jharkhand Industry : Coal.

Dated, Dhanba, the 21st Nov. 2011.

AWARD

The Government of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act., 1947 has referred the following dispute to this Tribunal for adjudication *vide* their Order No. L-20012/98/2005-I.R.(C-1) dated, the 2nd November, 2005.

“Whether the action of the management of BCCL, Sudamdih Shaft Mine in dismissing Sh. Bishun Bhuiya from service *vide* letter dt. 22/23 September, 2004 is just, fair & legal? If not, to what relief is the workman entitled?”

2. The case of the sponsoring Union for the workman Bishun Bhuiya is that he under Ticket No. 2682 designated as P.R.W. was a permanent workman in Sudamdih Shaft Mine of M/s. BCCL. He had been vigilantly performing his job satisfactorily since his appointment. At the news from his native village on 11.7.2003 about his wife's seriousness, on the same date, he left for his village for her proper treatment, and being illiterate unaware of the norms and rules of the Company, he could not inform of it to the Management. Meanwhile, he was served with a chargesheet on 26.11.2003 for his alleged absence from his duty. He was himself absent from his duty from 12.7.2003 to 26.11.2003 due to illness of his wife. He was dismissed from his service *w.e.f.* 22/23 Sept., 2004 without assign any concrete reason without any domestic enquiry. Hence, the Ministry of Labour, Govt. of India referred it for adjudication. The enquiry proceeding was not fair and proper, as it was conducted *ex-parte* and he was not given proper opportunity to participate in it. So the workman is entitled to reinstatement in his service with full back wages. The action of the Management in dismissing him from service is unjust, unfair and illegal.

3. Centra pleaded case of the Management is that the workman was issued the chargesheet dt. 26.11.2003 for his unauthorised absence from duty since 12.7.2003. Despite his previous punishment of one SPRA stoppage in the year 1998 for his such nature in attending his duties, he did not improve himself. His attendances were 210, 163 and 70 days in the past years 2001, 2002 and 2003 respectively. Thus he was a habitual absentee. In spite ample opportunity to him for defence in the enquiry, he did not attend the enquiry on different dates fixed for it not

sent any information to the Management about the reason for the same. At last the Departmental Enquiry was held *ex-parte* and the charges were proved beyond any doubt. So the Disciplinary Authority on consideration of the Enquiry Report, Enquiry Proceeding and his previous records dismissed him from the service of the Company through the letter No. 1436-44 dt. 2nd/3rd Sept., 2004 with competent approval. The punishment of his dismissal was imposed by the Disciplinary Authority upon the chargesheeted workman. The facts were also put forth in course of conciliation, due to failure of which the Govt. has referred it for adjudication.

The Management in its rejoinder categorically denying the allegations of the workman has pleaded that the workman has admitted his unauthorised continuous absence from duty from 12.7.2003 to 26.11.2003. As he had not intended to appear in the enquiry, the Enquiry Officer decided to proceed the enquiry *ex-parte* and since he was a habitual absentee, so his dismissal was quite just, fair and reasonable.

FINDING WITH THE REASONING

4. On the acceptance of Sri Ram Ratan Ram, the Ld. Advocate-cum-General Secretary of the Union that the domestic enquiry, as fair and proper; and accordingly the documents of the Management as per its list—*i.e.* the chargesheet dt. 26.11.03, the appointment letter of the Enquiry Officer dt. 9.1.04, Notices dt. 9.1.04, 21.02.04 and 3.8.04 in series. Enquiry Proceeding, the Enquiry Report, the Notesheet and the dismissal letter dt. 3.9.04 were marked as Extt. M-1, M-2, M-3 series, M-4 series, M-5, M-6 and M-7 respectively. Hence, the case directly came up for hearing of argument on merit of both sides.

5. Mr. Ram Ratan Ram the Ld. Advocate the Joint General Secretary of the Union submits that due to sudden serious illness of his wife, the workman had got absent from duties, though his past two year's Attendance for 2002 and 2003 was 233 days total; that he was a permanent employee of the management, but he has been unjustly dismissed on the basis of *ex-parte* enquiry against him who was not given any opportunity for defence; as such it is solicited for his reinstatement with full back wages. Whereas justifying the action of the Management for dismissal his authorised absence from duty, Mr. U.N. Lal, the Learned Advocate for the Management has contended that he was a habitual absentee as in his past year, so he is not entitled to reinstatement in his service.

On consideration of the materials of the enquiry proceeding as well as the dismissal order available on the case record, I find the facts as under:—

- (i) the workman was a permanent P.R.W. of Sudamdih Shaft Mine of M/s. B.C.C.L.
- (ii) None of the Enquiry three notices (Extt. 3 series)

proves their service upon the workman on his noted home address for the domestic enquiry, which was conducted *ex-parte*; and

- (iii) Consequent upon the Enquiry Report, the Disciplinary Authority did not send it with any second show cause notice to the workman for any proposed punishment for his habitual absence or even prior to the approval of it by the competent Authority.

It is evident that the workman was *prima facie* prejudiced by the action of the Management, as he could not fairly get an opportunity to explain his case of absence from duty, so his being deprived of his legal right to it in view of the principle of natural justice. Hence, the dismissal order of the Management being illegal and unjustified is liable to be set aside.

In view of the aforesaid facts and circumstances, the action of the Management of BCCL Sudamdih Shaft Mine in dismissing the workman Bishun Bhuiya from service as per the letter dt. 22nd/23rd Sep., 2004 is not at all just, fair and legal. The workman is entitled to his reinstatement in his service but without any back wages. The Management is directed to implement the Award within a month from the date of the receipt of its publication by the Government of India in its Gazette.

KISHORI RAM, Presiding Officer.

नई दिल्ली, 29 नवम्बर, 2011

का० आ० 3759.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार जियोलेजिकल सर्वे ऑफ इंडिया के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नागपुर के पंचाट (संदर्भ संख्या 82/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 29-11-2011 को प्राप्त हुआ था।

[सं एल-42011/94/99-आई आर(डीयू)]
जोहन तोपनो, अवर सचिव

New Delhi, the 29th November, 2011

S.O. 3759.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 82/2000) of the Central Government Industrial Tribunal cum Labour Court, Nagpur as shown in the Annexure, in the Industrial dispute between the employers in relation to the management of Geological Survey of India and their workman, which was received by the Central Government on 29.11.2011.

[No. L-42011/94/99-IR(DU)]
JOHAN TOPNO, Under Secretary

ANNEXURE

BEFORE SHRI J.P. CHAND, PRESIDING OFFICER,
CGIT-CUM-LABOUR COURT, NAGPUR

Case No. CGIT/NGP/82/2000

Date: 18.11.2011.

Party No. 1(A) : The Director(Drilling), Geological Survey of India, Coal Wing, 4 Chowringhee Lane, Ratnakar Building Kolkata 700064

(B) : Drilling-in-Charge, Geological Survey of India, Unit-332, Camp & PO-Warora, Tah-Warora, Distt. Chandrapur (M.S.) 442402.

Versus

Party No. 2 : Shri Balaji Maroti Tarale, Navin Basti Colliery Ward, Warora, Distt. Chandrapur (M.S.)

AWARD

(Dated: 18th November, 2011)

In exercise of the powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of section 10 of Industrial Disputes Act, 1947 (14 of 1947) ("the Act" in short), the Central Government has referred the industrial dispute between the employers, in relation to the management of State Bank of India and Shri, for adjudication, as per letter No. L-42011/94/99-IR(DU) dated 13.03.2000, with the following schedule:—

"Whether the action of the management of Director (Drilling)/Drilling-in-Charge, Geological Survey of India, Calcutta/Warora Camp in not reinstating into the services with full wages of Sh. Balaji Maroti Tarale, ex-helper is legal and justified? If not, to what relief the workman is entitled and from which date?"

2. On receipt of the reference, the parties were noticed to file their respective statement of claim and written statement and accordingly, the workman Shri Balaji Maroti Tarale ("the workman" in short) filed his statement of claim and the management of the Geological Survey of India (here-in-after referred to as the Party No. 1) filed its written statement.

The case of the workman as per the statement of claim is that he was working as a helper with the party no. 1(A) and Geological Survey of India is engaged in various project activities in relation to mining survey of minerals and metals and to provide expert guidance to Coal India and to their Subsidiaries and also to others and the project activities at Warora camp in Chandrapur district are one of such activities and the establishment of party no. 1(A) at Warora is functioning since last several years and the activities carried out by party no. 1 are of permanent nature and approximately 34 employees are working at Warora camp out of whom, only 15 are permanent employees and the remaining are classified as daily wagers but monthly salary @ of Rs. 1323/- is paid to them and he

was daily wage helper and was appointed on 04.05.1997 and he worked continuously with party no. 1(B) till 22.04.1999, when his services were terminated orally and he was performing different duties as per the directions and satisfaction of the camp incharge and his subordinate officers and he tried his level best to convince the party no. 1(B), in respect of oral termination, but party no. 1(B) did not allow him to work as usual and though the establishment of party no. 1 is a government organization, it was paying meager wages, in breach of government directives, rules and regulations and wages were also not being paid at regular intervals and at times, wages were paid after a gap of two to three months and though separate vouchers were being prepared for the same, the dates were never being mentioned in the vouchers and though his services were orally terminated *w.e.f.* 22.04.1999, wages for February, March and till the date of termination were not paid and as he insisted for grant of pay scale applicable to class-IV category and for making him permanent in the post of helper, the party no. 1 terminated his services, even though he had already completed 240 days of work, without following the due procedure of law, in relation to termination or retrenchment.

It is further pleaded by the workman that the establishment at Warora is still functioning and the party no. 1 appointed two new persons, namely Shri Sharad Ghuttar and Shri Prashant Dange *w.e.f.* 20.4.1999 and few more hands were also appointed thereafter and many workers junior to him in service were retained by party no. 1 (B) and thus, the action of party no. 1 (B) is arbitrary and in breach of the well settled principles of law and as his oral termination was without compliance of the provisions of section 25-F of the Act and Industrial Employment (Standing Orders) Act, 1946, the same is illegal and void and therefore he is entitled to be reinstated in service with all other consequential benefits.

3. The party no. 1 in the written statement has pleaded *inter-alia* that Geological Survey of India is a scientific department and not an industry and the workman and other casual workers were engaged in camps to help in miscellaneous job of temporary nature like shifting, loading, unloading etc. and paid wages on daily payment basis, as per government approval rates and the claim of the workman that he worked continuously from 04.05.1997 till his termination on 22.04.1999 is not true and he had rendered services in two phases *i.e.* from 04.05.1997 to 30.11.1997 and 07.07.1998 to 31.03.1999 and he did not fulfill the norms prescribed by D.O.P.T. for regularization, as such, the question of his regularization did not arise and as the workman was a casual worker, he is not entitled for regularization and as his appointment was not against any existing vacancy and as his appointment was not through any selection process and casual workers in GSI are engaged due to sudden urgency of work and such works are always of temporary in nature, which continue for few

days or some times for few months and thus, there is no irregularity in engaging two casual workers and casual workers have been engaged purely on temporary basis for specific types of work of short periods and the nature of work available with it is not of permanent in nature and as the engagement of the workman was purely on temporary daily wages basis and not in accordance with the Rules of appointment, his disengagement from service cannot be construed to be retrenchment and the workman is not entitled for any relief.

4. It is necessary to mention here that though both the parties filed affidavit of their respective witnesses, both the parties remained absent since 07.04.2010. The witnesses were also not produced for cross-examination. None also appeared on behalf of either of the parties. Hence, as per order dated 15.11.2010, the evidence of the witnesses was expunged and case was fixed to 11.02.2011 for argument. The parties also did not appear to advance argument, so the case was closed on 24.10.2011 and was fixed for award.

5. It is well settled that if a party challenges the legality of an order, the burden lies upon him to prove illegality of the order and if no evidence is produced, the party invoking the jurisdiction of the court must fail. Whenever a workman raises a dispute challenging the validity of the termination of the service, it is imperative for him to file written statement before the Industrial Court setting out grounds on which the order is challenged and he must also produce evidence to prove his case. If the workman fails to appear or file written statement or produce evidence, the dispute referred by the government cannot be awarded in favour of the workman and he would not be entitled to any relief.

In this case, the workman neither appeared nor adduced any evidence to prove his case. So, applying the settled principles as mentioned above to the present case at hand, it is found that the workman is not entitled to any relief and the reference is to be answered against him. Hence, it is ordered:—

ORDER

The action of the management of Director (Drilling)/ Drilling-in-charge, Geological Survey of India, Calcutta/ Warora Camp in not reinstating into the services with full wages of Sh. Balaji Maroti Tarale, ex-helper is legal and justified. The workman is not entitled to any relief.

J.P. CHAND, Presiding Officer

नई दिल्ली, 29 नवम्बर, 2011

का. आ. 3760.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार नेशनल सीड्स कॉर्पोरेशन लिमिटेड के प्रबंधन के संबंध निर्यातकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक

अधिकरण हैदराबाद के पंचाट (संदर्भ संख्या 51/2006) को प्रकाशित करती है जो केन्द्रीय सरकार को 29-11-2011 को प्राप्त हुआ था।

[सं एल-42012/250/2005-आई. आर. (डीयू)]

जोहन तोपनो, अवर सचिव

New Delhi, the 29th November, 2011

S.O. 3760.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 51/2006) of the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad as shown in the Annexure in the Industrial dispute between the employers in relation to the management of National Seeds Corporation Limited and their workmen, which was received by the Central Government on 29.11.2011.

[No. L-42012/250/2005-IR(DU)]

JOHAN TOPNO, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT HYDERABAD

PRESENT: SHRI VED PRAKASH GAUR,

Presiding Officer

Dated the 26th day of September, 2011

Industrial Dispute No. 51/2006

Between:

The President,

(Shri A. Obulesu),

National Seeds Corporation Employees Union,

(Reg. No. F-1886) Noonepally,

Nandyal, Kurnool District.

.....Petitioner

AND

The Regional Manager,

National Seeds Corporation Limited,

17-11, North Lalaguda, Tukaramgate,

Secunderabad-17.

.....Respondent

APPEARANCES:

For the Petitioner : Sri B. Bapu Rao, Advocate

For the Respondent : M/s. P. Nageswara Sree,
K. Raghuram Reddy &
Ch. Venkata Raju, Advocates

AWARD

The Government of India, Ministry of Labour by its order No. L-42012/250/2005 dated 22.8.2006 referred the

following dispute under section 10(1)(d) of the I.D. Act, 1947 for adjudication to this Tribunal between the management of National Seeds Corporation Limited and their workmen. The term of reference is as under:

SCHEDULE

“Whether the action of the management of National Seeds Corporation Limited is not regularising the services of Shri K. Raveendra and 12 others (As per list enclosed) and also for not giving them equal pay for equal work on par with regular employees is legal and justified? If not, to what relief they are entitled?”

The reference is numbered in this Tribunal as I.D. No. 51/2006 and notices were issued to the parties concerned.

2. Petitioner union has submitted claim statement stating therein Sri K. Ravindra and 12 others have been working on par with regular employees. Respondent has been maintaining the muster rolls and other registers for them. Management used to deduct PF and ESI for these Petitioners on par with regular employees. It is submitted that the Petitioners were paid daily wages at a time at the end of the month. Though the Petitioners were being engaged for the last ten years, they were not regularized. Conciliation before the ALC(C) failed which resulted in the present industrial dispute. It is submitted that Petitioners got worked continuously for 240 days in a year, the posts are permanent in nature. Management is not paying equal pay for equal work on par with regular employees to these Petitioners which is unjust, unfair and contrary to the provisions of Industrial Disputes Act, 1947. It is prayed to direct the Respondents to regularize the services of the Petitioners from the date of their initial appointment as per staff and pattern or wage board awards last salary may be paid to the Petitioners and consequently pay the difference of wages on par with regular employees with attendant benefits.

3. Management filed counter statement stating therein that NSCL is company engaged in the seeds production of various types for the benefit of farming community. NSCL engages casual labourers in its processing plants/units depending upon requirement of work from time to time. Company has got some regular and permanent work force apart from casual labourers who are transferred from one place to another all over India depending upon exigencies. According to recruitment policy for each post technical/non-technical qualification, experience, age etc. parameters are prescribed and after due selection process, elaborate process for selection in permanent posts. Whereas casual labour engagement does not involve this procedure. Unless the appointment is in terms of relevant rules and after a proper competition among qualified person, the same would not confer any right on the appointee if it is an engagement

on daily wage basis which comes to an end when the day's work is over. The level of skills, dependability, experience, accountability and various other parameters are different between a permanent employee and a casual labour, any comparison between them would be treating unequals as equals, therefore, the Petitioners are not entitled equal pay on par with regular employees. Hence, the Petitioners are not entitled for the relief claimed.

4. Case is fixed for evidence of Petitioner. On 9.9.2011, workman or his counsel absent as such, evidence of workman is closed. Respondent's counsel stated that he will not adduce any evidence as such, Respondent's evidence is also closed.

5. Petitioner union has got no evidence on record in support of Petitioners' claim. Hence, a Nil award is passed in absence of evidence. Reference is answered accordingly.

Award passed accordingly. Transmit.

Dictated to Smt. P. Phani Gowri, Personal Assistant transcribed by her corrected by me on this the 26th day of September, 2011.

VED PRAKASH GAUR, Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner	Witnesses examined for the Respondent
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NIL

NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 29 नवम्बर, 2011

का.आ. 3761.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार डिपार्टमेंट ऑफ एटॉमिक एनर्जी के प्रबंधन के संबद्ध नियोक्ताओं और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण हैदराबाद के पंचाट (संदर्भ संख्या 133/2005) को प्रकाशित करती है जो केन्द्रीय सरकार को 29-11-2011 को प्राप्त हुआ था।

[सं. एल-42025/13/2011-आई आर (डीयू)]
जोहन तोपनो, अवर सचिव

New Delhi, the 29th November, 2011

S.O. 3761.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 133/2005) of the Central Government Industrial Tribunal-cum-Labour Court Hyderabad as shown in the Annexure in the

Industrial dispute between the employers in relation to the management of Chief Executive (Disciplinary Authority), Department of Atomic Energy and their workmen, which was received by the Central Government on 29.11.2011.

[No. L-42025/13/2011-IR(DU)]
JOHAN TOPNO, Under Secy.

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT
HYDERABAD**

Present: SHRI VED PRAKASH GAUR
Presiding Officer

Dated the 23rd day of September, 2011

INDUSTRIAL DISPUTE L.C. No. 133/2005

Between:

Sri G. Jagannadha Raju,
S/o Rama Krishna Raju,
R/o Room No. 22-311/30, Western Hills,
Near Vishwanath Theatre,
Kukatpally, Hyderabad.

.....Petitioner

AND

The Chief Executive (Disciplinary Authority)
Nuclear Fuel Complex, Department of
Atomic Energy, Government of India,
E.C.I.L. Post, Kushiaguda,
Hyderabad.

.....Respondent

Appearances:

For the Petitioner : M/s. G. Ravi Mohan &
G. Naresh Kumar, Advocates

For the Respondent : Sri P. Raveender Reddy,
Advocate

AWARD

This petition under Sec. 2A(2) of the I.D. Act, 1947 has been filed by Sri G. Jagannadha Raju, an ex. employee of Nuclear Fuel Complex, Hyderabad challenging the order of dismissal dated 28.3.2000 along with appeal order dated 27.4.2005.

2. It has been alleged that the Petitioner joined the Respondent's organization as Tradesman-B, on 10.6.1991. While working so, he remained absent from duty unauthorizedly from 6.8.1998 onward without sanctioned leave. It is alleged that Petitioner was suffering from mental illness (Bipolar Affective Disorder) from August, 1998 and he was under regular treatment which was informed to the company and Petitioner applied for medical leave. Inspite of regular treatment Petitioner could not be recovered from

bed and he was forced to extend his leave from time to time duly informing to his superiors about his health condition.

3. In the mean time the father of Petitioner Sri Ramakrishnam Raju left the home without any information of the family membes and his whereabouts could not be known to the members of the family that also caused mental depression to the Petitioner. Since Petitioner's mental condition become worse and serious his family members took him to Bangalore for better treatment and change of weather duly informing superiors of the Petitioner.

4. After prolonged treatment the Petitioner could recover from his ill-health and he approached the management along with medical certificate to resume his duties but he was informed that his services were terminated *vide* proceedings dated 28.3.2000 on the ground of his unauthorized absenteeism.

5. Petitioner filed appeal before Secretary to the Government of India, Department of Atomic energy which was rejected by proceeding dated 21.10.2005.

6. The Petitioner's contention is that he has submitted medical certificate and applications from time to time informing his ill-health and extension of medical leave but the fact was not considered by management before passing removal order against the Petitioner as such, the action of management is arbitrary, illegal and unjust. Secondly, the Petitioner was not informed about the domestic enquiry, entire proceeding was completed behind back of the Petitioner. The punishment imposed on Petitioner is excessive and disproportionate as such, deserves to be quashed.

7. Management has filed counter statement admitting that Petitioner was appointed on 17.1.1991 as tradesman and further stated that from 6.8.1998 onwards Petitioner remained unauthorizedly absent without sanctioned leave. Petitioner was afforded number of opportunities to resume the duty by sending telegrams as well as memorandum and notice of disciplinary action under Rule 14 of CCS Rules. The Disciplinary Proceedings were initiated *vide* memoandum No. NFC.PA.IX/1(01)/4911/1635 dated 30.3.1999. A detailed charge sheet was issued to him requiring him to explain the circumstances and participate in the enquiry proceeding but he failed as such, *ex-parte* proceeding was held and Enquiry Officer found that the Petitioner's absence from 6.8.98 onwads was unauthorized without intimation and without any reasonable cause. On the basis of the enquiry report the Petitioner's services were terminated *vide* proceeding dated 28.3.2000. Petitioner submitted appeal in the year 2005 which has been dismissed.

8. Petitioner was unauthorizedly absent for several years without any just and reasonable cause without any intimation to the management as such, the punishment of removal from service is neither unjust not disproportionate.

The petition is devoid of any merit and deserves to be dismissed.

9. Petitioner has filed 9 documents which consists of termination order dated 28.3.2000, Appellate Authority's order dated 27.4.2005 and medical prescriptions dated 6.8.98, 10.9.99, 2.2.2000, 2.7.2004 & 3.2.2005 and fitness certificate dated 26.4.2004. The management has filed certified copy of memorandum of charges, certified copy of imputation of misconduct (annexure-II), copies of telegrams dated 21.9.98, 8.10.98, 14.10.98 and 22.10.98, copy of the letter dated 14.11.98 and copy of memorandum dated 10.12.98 as annexure-III. They have further filed attested copy of notices dated 6.10.1997, attaching copy of Deccan Chronicle, Eenadu and Siasat newspapers, copy of notices, newspaper, xerox copy of order of dismissal, finding of Enquiry Officer, copy of order of Appellate Authority, copy of postal receipt acknowledgement due.

10. In the present matter Petitioner worker challenged the legality and validity of domestic enquiry and as such, before entering into the merits of this case, the question of legality and validity of the domestic enquiry was considered by this Tribunal and *vide* order dated 16.4.2010 this Tribunal has concluded that the enquiry conducted by management was legal and valid and posted the case for arguments under Sec. 11A of the Industrial Disputes Act, 1947.

11. I have heard Learned Counsel for the Petitioner worker under Sec. 11A of the Industrial Disputes Act, 1947. It has been argued by the Learned Counsel for the Petitioner that the action of management in removing the Petitioner from service was illegal and unjustifiable because the Petitioner was not keeping good health. He was suffering from mental disorder and mental disease for which he has under gone treatment and he has informed to his superiors and the management of Nuclear Fuel Complex regarding his illhealth. He applied for medical leave but the same was not considered. He has further argued that Petitioner made request for extension of medical leave from time to time. He also informed the management that his father has gone missing, that has also caused mental depression and Petitioner is not in a condition to resume duties and perform his job. All these material facts were brought before the management but management has not considered the request of Petitioner nor the medical certificates and applications submitted by the Petitioner. thus, the termination order is illegal, unjustified and violative of principles of natural justice.

12. He further argued that the management in this case opted to initiate domestic enquiry against the Petitioner's absence but the notice of enquiry was not given to the Petitioner. Petitioner was not afforded proper opportunity to participate in the enquiry proceeding. The enquiry proceeding was lopsided and thus basing on the finding of the lopsided enquiry, the management has violated the principles of natural justice and therefore the

termination order is illegal and unjustiable. None has appeared for Respondent to argue on behalf of the Respondent. Even then, I have considered the counter claim filed by the management and oral submission made by the Petitioner's counsel, on the basis of which this Tribunal has to consider:—

- (I) Whether the action of the management in removing the Petitioner from the service is legal and justiable?
- (II) To what relief the Petitioner is entitled if any?

13. Point No. (I): Petitioner's case is that he was employed in the year 1991 as tradesman. He suffered from mental illness from August, 1998. His clear contention is that he remained under regular treatment and he informed about his illness and applied for medical leave. This material fact has been denied by the management alleging in the counter statement that Petitioner remained absent from 6.8.1998 onwards without any intimation without any application or without furnishing any medical certificate. In that event, it is the sole duty of the Petitioner to prove before this Tribunal that the Petitioner has made request for grant of medical leave on ground of his alleged mental illness. However, Petitioner of this case has not been able to produce a single paper or copy of his application for grant of medical leave or copy of the medical certificate on the basis of which he applied for the medical leave as such, the Petitioner has failed to discharge his primary duty of satisfying this Tribunal that Petitioner remained absent for any reasonable and sufficient cause. Not only that the Petitioner said that he applied for grant of medical leave, but he has not been able to produce before this Tribunal alleged application of his medical leave nor alleged medical certificate on the basis of which he applied for medical leave. In this case, the management has initiated domestic enquiry, sent notice to the Petitioner to resume duty. It was the duty and responsibility of the Petitioner to prove before this Tribunal that Petitioner failed to resume duty or participate in the domestic enquiry due to his ill-health. The Petitioner has filed xerox copies of prescriptions dated 6.8.98 of Sowmya Nursing Home, but has not been able to explain as to who issued this prescription, where is the original of this prescription. However perusal of this prescription does not reflect that the Petitioner was ever advised to take bed rest for any number of days. In the same way he has filed xerox copy of the prescription on the letter pad of Dr. V. Sharbandh Raj dated 10.9.99. In this prescription only medicine has been prescribed. No bed rest has been prescribed in this prescription. Same way xerox copy of prescription dated. 2.2.2000 no bed rest was prescribed. The Petitioner has filed xerox copy of the medical certificate dated 26.4.2005 wherein it has been written that, "he is on irregular medication with poor drug compliance." He is on regular medication from 2.1.2004 and he was declared fit to resume date from 27.4.2005. In this medical certificate the alleged medical practitioner has not stated

that Petitioner was under his regular care and control or he was advised bed rest. He has clearly stated that Petitioner was on irregular medication, meaning thereby that the Petitioner was not required to take regular medicines, has he been seriously ill and not in a position to move or resume his duty or perform the work, the Doctor would have certainly stated that the Petitioner was under his constant care and treatment, he was not allowed to move, he was advised bed rest..etc., all these missing points in the medical certificate prove that Petitioner even if suffered with some medical ailment his condition was not of that stage that he was not able to perform his duty as such, the contention of the Petitioner that he did not attend to his duty due to ill-health is untenable. He has not been able to support his contention with his own documentary evidence produced before this Tribunal.

14. The Petitioner alleges that he moved application for grant of medical leave and has applied for extension of such medical leave from time to time. But he has not been able to produce a single application moved by him before his superior authorities either for grant of medical leave or for extension of the medical leave. This prove that the allegation of the Petitioner that he applied for leave and for extension of medical leave is also totally false and Petitioner has fabricated this plea for the purpose of this claim statement. There is no iota of evidence or material before this Tribunal to prove that the Petitioner's absence from 6.8.98 onwards upto 27.4.2005 *i.e.*, for more than 7 years was due to mental illness. The claim of the Petitioner is baseless, he has not been able to provide a single evidence to substantiate his claim petition.

15. It is admitted case that Petitioner remained absent from 6.8.98 upto 27.4.2005 *i.e.* for 7 years. In the mean time management has initiated proceeding regarding his absence without sanctioned leave. In that proceeding also the Petitioner has not participated. He has stated that his father went missing and that caused him mental agony and depression, but, petitioner has not been able to produce before this Tribunal the copy of FIR or missing report of regarding his father's. When his father went missing has also not been stated in the claim statement as such, the allegation of the Petitioner or contention of the Petitioner is that his father went missing causing depression to Petitioner also unsustainable. Petitioner stated that he was moved to Bangalore for better treatment and for change of weather but he has not produced a single paper to substantiate that he ever moved to Bangalore or remained there for improvement of his mental health. Thus, his alleged absence from Hyderabad or Andhra Pradesh to Bangalore is also baseless and unfounded. It appears to be manufactured for the purpose of this claim statement.

16. From above discussion, this Tribunal is of the considered opinion that Petitioner remained absent for seven years without any intimation, without sanctioned

leave or prior permission from the management. His absence was not for any reasonable or sufficient cause, he intentionally did not participate in the enquiry proceeding as such, management has no other option but to remove the Petitioner from the service on the ground of long absence from duty as held by Hon'ble Supreme Court of India in the case law reported in *State of U.P. and others Vs. Ashok Kumar Singh and another 1996(1)SCC 302*. The management has not committed any illegality or irregularity or unjustifiability in dismissing or removing the Petitioner from the service who appears to be an unwilling worker. Point No. (I) is decided accordingly.

17. Point No. (II): Petitioner's absence was without any reason, he has not been able to prove that his absence was for a genuine reasonable cause, the punishment imposed upon workman is neither excessive nor disproportionate. Petitioner is not entitled to any relief. Point No. II is decided accordingly.

18. From the above discussion, this Tribunal is of the opinion that the action of the management of Nuclear Fuel Complex in dismissing the Petitioner Sri G. Jagannadha Raju is legal and justified as such, this petition deserves to be dismissed and it is dismissed. Hence, this award.

Award passed accordingly. Transmit.

Dictated to Smt. P. Phani Gowri, Personal Assistant transcribed by her corrected by me on this the 23rd day of September, 2011.

VED PRAKASH GAUR
Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner	Witnesses examined for the Respondent
NIL	NIL

Documents marked for the Petitioner
NIL

Documents marked for the Respondent
NIL

नई दिल्ली, 29 नवम्बर, 2011

का. आ. 3762.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार डिपार्टमेंट ऑफ एटोमिक एनर्जी के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण हैदराबाद के पंचात (संदर्भ संख्या 7/2007) को प्रकाशित करती है जो केन्द्रीय सरकार को 29.11.2011 को प्राप्त हुआ था।

[सं एल-42025/12/2011-आईआर (डीयू)]
जोहन तोपनो, अवर सचिव

New Delhi, the 29th November, 2011

S.O. 3762.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 7/2007) of the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Chief Executive, Department of Atomic Energy and their workmen, which was received by the Central Government on 29.11.2011.

[No. L-42025/12/2011-IR(DU)]
JOHAN TOPNO, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT HYDERABAD

Present: Shri Ved Prakash Gaur

Presiding Officer

Dated the 22nd day of September, 2011

Industrial Dispute L.C. No. 7/2007

Between:

Sri P. Jangaiah,
S/o Narasimha,
R/o H.No. 5-21, Keesara,
Ranga Reddy District.

.....Petitioner

AND

The Chief Executive,
Nuclear Fuel Complex,
Department of Atomic Energy,
Hyderabad-500062.

.....Respondent

Appearances:

For the Petitioner : M/s G. Ravi Mohan, G. Naresh Kumar, Vikash Sharma, K. Bhaskar & G. Pavan Kumar, Advocates

For the Respondent: Sri P. Raveender Reddy, Advocate

AWARD

This petition under Sec. 2 A (2) of the I.D. Act, 1947 has been filed by Sri P. Jangaiah, Ex. Employee of Nuclear Fuel Complex challenging the oral termination on 23.10.1998 of Respondent for reinstatement with continuity of service.

2. Petitioner submitted claim statement stating therein that he worked as Sweeper in Respondent's unit. He was engaged for cleaning, sweeping, dusting, watching of bend dumps and the conditions of work is of perennial nature.

Salary of the Petitioner was paid directly by the Respondent. But the Respondent brought non-existing contractor between the Petitioner and the Respondent to show that there is no master and servant relationship between the Petitioner and the Respondent. It is submitted that Central Government exercising the power under Section 10 of the Abolition Act on the basis of the recommendations and in conciliation with the Central Advisory Board constituted under section 10(1) of the Act issued notification on 9.12.1976 prohibiting employment of the contract labourer in respect to cleaning, sweeping, dusting and watching of building owned by or occupied by the establishment. It is the statutory obligation under section 11, 19 & 20 of the Factories Act to maintain cleanness of the area where factory is situated. Petitioner worked for 3 years continuously. Petitioner and other similarly situated persons filed WP No. 29210/1998 before Hon'ble High Court of A.P., Hyderabad for absorption but during pendency of writ petition Petitioner was terminated from services in October, 1998. Writ petition was allowed by an order dated 25.9.2000, against which Respondent filed W.A. 1602/1999 which was allowed, upon which Petitioners filed SLA No. 13451/2001 before Hon'ble Supreme Court of India, and it was withdrawn with liberty to raise ID before appropriate forum hence, this petition. Cleaning and other maintenance of factory premises, buildings and other residential quarters used to be taken care by an officer from the Civil Department. No work was entrusted to any outsider at any point of time. Respondent used to maintain details of the casual labourers who were appointed for the purpose of cleaning, gardening, civil works etc. which works are of perennial in nature requiring regular workmen. Petitioner was deputed as sweeper, no appointment letter was issued to him and he was paid on monthly basis. Though Petitioner worked for more than 3 years continuously he was terminated without any notice or retrenchment compensation prescribed under Sec. 25F of Industrial Disputes Act, 1947. He prayed to set aside the oral termination order dated 23.10.1998 directing the Respondent to reinstate the Petitioner into service with all other attendant benefits.

3. Respondent filed counter affidavit stating therein that house keeping works in DAE Housing Colony is being taken care by Kapra Municipality whereas the requirement of Plant is being met through Helpers (Cos.) deployed for the said purpose. Prior to making such arrangements through Kapra Municipality and/or redeployment of Helpers (Cos.), a running contract for a period of 12 months was awarded for executing urgent works such as jungle cutting in the sprawling Nuclear Fuel Complex, cleaning of storm water drains and clearance of garbage on roads vide letter No. NFC/CED/Employment Exchange (M)/269/761 dated 30.9.1997. Similar contract was in existence in D.A.E. housing colony where the contractor engaged the labourers to perform the work. It is further submitted that the

engagement of labourers by the contractor is not within the knowledge and control of the Respondent at any time. The manner and method of employment of labourers for execution of the said intermittent jobs including payment of wages under Section 21 of Contract Labour (Regulation & Abolition) Act, 1970 is not administratively controlled by the Respondent at any time in any manner. Petitioner's name does not appear in the list maintained by the contractor, who was awarded the work of sweeping and cleaning of all Roads, Storm Water Drains, collection of disposal of grabarge etc., the validity of which expired on 10.10.1998. It is submitted that the work was not of perennial nature as it was a stop gap arrangement prior to approaching Municipal Authorities of Kapra for taking up cleaning jobs. It is submitted that Petitioner was directly working under the control of Respondent and salary was being paid to him by Respondent is denied. It is not known to the Respondent that whether Petitioner was employed by any contractor whether under Sri P. Ramana Reddy or Sri P. Narasimha. Petitioner is not entitled for any relief as such, the petition be dismissed.

4. Case is fixed for Petitioner's evidence. On 28.7.2011 counsel for the Petitioner informed that he has no instruction from Petitioner to proceed with the case. In absence of worker his evidence is closed. Respondent's counsel stated that he will not adduce any evidence as there is no evidence from side of worker as such, Respondent's evidence is also closed.

5. Parties have not adduced any evidence. There is no evidence on record in support of Petitioner's claim as such, petition is dismissed in absence of evidence.

Award passed accordingly. Transmit

Dictated to Smt. P. Phani Gowri, Personal Assistant transcribed by her corrected by me on this the 22nd day of September, 2011.

VED PRAKASH GAUR, Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner	Witnesses examined for the Respondent
NIL	NIL

Documents marked for the Petitioner

NIL.

Documents marked for the Respondent

NIL

नई दिल्ली, 29 नवम्बर, 2011

का.आ. 3763.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार चीफ एक्जीक्यूटिव, डिपार्टमेंट ऑफ एटोमिक एनर्जी के

प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण हैदराबाद के पंचाट (संदर्भ संख्या 8/2007) को प्रकाशित करती है जो केन्द्रीय सरकार को 29-11-2011 को प्राप्त हुआ था।

[सं एल-42025/11/2011-आईआर (डीयू)]

जोहन तोपनो, अवसर सचिव

New Delhi, the 29th November, 2011

S.O. 3763.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 8/2007) of the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Chief Executive, Department of Atomic Energy and their workman, which was received by the Central Government on 29.11.2011.

[No. L-42025/11/2011-IR(DU)]

JOHAN TOPNO, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT HYDERABAD

Present: Shri Ved Prakash Gaur

Presiding Officer

Dated the 22nd day of September, 2011

Industrial Dispute L.C. No. 8/2007

Between:

Sri P. Balaiah,

S/o Ramaiah,

R/o H.No. 1-79,

Near Siddhartha School, Keesara,

Ranga Reddy District.

.....Petitioner

AND

The Chief Executive,

Nuclear Fuel Complex,

Department of Atomic Energy,

Hyderabad-500062.

.....Respondent

Appearances:

For the Petitioner: M/s G. Ravi Mohan, G. Naresh Kumar, Vikas Sharma, K. Bhaskar & G. Pavan Kumar, Advocates

For the Respondent: Sri P. Raveender Reddy, Advocate

AWARD

This petition under Sec. 2 A(2) of the I.D. Act, 1947 has been filed by Sri P. Balaiah, Ex. Employee of Nuclear

Fuel Complex challenging the oral termination on 23.10.1998 of Respondent for reinstatement with continuity of service.

2. Petitioner submitted claim statement stating therein that he worked as Sweeper in Respondent's unit. He was engaged for clearing, sweeping, dusting, watching of bend dumps and the conditions of work is of perennial nature. Salary of the Petitioner was paid directly by the Respondent. But the Respondent brought non-existing contractor between the Petitioner and the Respondent to show that there is no master and servant relationship between the Petitioner and the Respondent. It is submitted that central government exercising the power under Section 10 of the Abolition Act on the basis of the recommendations and in conciliation with the Central Advisory Board constituted under Section 10(1) of the Act issued notification on 9.12.1976 prohibiting employment of the contract labourer in respect to cleaning, sweeping, dusting and watching of building owned by or occupied by the establishment. It is the statutory obligation under section 11, 19 & 20 of the Factories Act to maintain cleanness of the area where factory is situated. Petitioner worked for 6 years continuously. Petitioner and other similarly situated persons filed WP No. 29210/1998 before Hon'ble High Court of A.P., Hyderabad for absorption but during pendency of writ petition Petitioner was terminated from services in October, 1998. Writ petition was allowed by an order dated 25.9.2000, against which Respondent filed W.A. 1602/1999 which was allowed, upon which Petitioners filed SLA No. 13451/2001 before Hon'ble Supreme Court of India, and it was withdrawn with liberty to raise ID before appropriate from hence, this petition. Cleaning and other maintenance of factory premises, buildings and other residential quarters used to be taken care by an officer from the Civil Department. No work was entrusted to any outsider at any point of time. Respondent used to maintain details of the casual labourers who were appointed for the purpose of clearing, gardening, civil works etc. which works are of perennial in nature requiring regular workmen. Petitioner was deputed as sweeper, no appointment letter was issued to him and he was paid on monthly basis. Though Petitioner worked for more than 6 years continuously he was terminated without any notice or retrenchment compensation prescribed under Sec. 25F of Industrial Disputes Act, 1947. He prayed to set aside the oral termination order dated 23.10.1998 directing the Respondent to reinstate the Petitioner into service with all other attendant benefits.

3. Respondent filed counter affidavit stating therein that house keeping works in DAE Housing Colony is being taken care by Kapra Municipality whereas the requirement of Plant is being met through Helpers (Cos.) deployed for the said purpose. Prior to making such arrangements through Kapra Municipality and/or redeployment of Helpers (Cos.), a running contract for a period of 12 months

was awarded for executing urgent works such as jungle cutting in the sprawling Nuclear Fuel Complex, cleaning of storm water drains and clearance of garbage on roads vide letter No. NFC/CED/Employment Exchange (M)/269/761 dated 30.9.1997. Similar contract was in existence in D.A.E. housing colony where the contractor engaged the labourers to perform the work. It is further submitted that the engagement of labourers by the contractor is not within the knowledge and control of the Respondent at any time. The manner and method of employment of labourers for execution of the said intermittent jobs including payment of wages under Section 21 of Contract Labour (Regulation & Abolition) Act, 1970 is not administratively controlled by the Respondent at any time in any manner. Petitioner's name does not appear in the list maintained by the contractor, who was awarded the work of sweeping and clearing of all Roads, Storm Water Drains, collection of disposal of garbage etc., the validity of which expired on 10.10.1998. It is submitted that the work was not of perennial nature as it was a stop gap arrangement prior to approaching Municipal Authorities of Kapra for taking up clearing jobs. It is submitted that Petitioner was directly working under the control of Respondent and salary was being paid to him by Respondent is denied. It is not known to the Respondent that whether Petitioner was employed by any contractor whether under Sri P. Ramana Reddy or Sri P. Narasimha. Petitioner is not entitled for any relief as such, the petition be dismissed.

4. Case is fixed for Petitioner's evidence. On 28.7.2011 counsel for the Petitioner informed that he has no instruction from Petitioner to proceed with the case. In absence of worker his evidence is closed. Respondent's counsel stated that he will not adduce any evidence as there is no evidence from side of worker as such, Respondent's evidence is also closed.

5. Parties have not adduced any evidence. There is no evidence on record in support of Petitioner's claim as such, petition is dismissed in absence of evidence.

Award passed accordingly. Transmit.

Dictated to Smt. P. Phani Gowri, Personal Assistant transcribed by her corrected by me on this the 22nd day of September, 2011.

VED PRAKASH GAUR, Presiding Officer

Appendix of evidence

Witnesses examined for the
Petitioner

NIL

Witnesses examined for
the Respondent

NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 29 नवम्बर, 2011

कांआ० 3764.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मेसर्स दरबारशा बी० सी० सन्स (बोम) प्राइवेट लिमिटेड के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण अहमदाबाद के पंचाट (संदर्भ संख्या 7/2009) को प्रकाशित करती है, जो केन्द्रीय सरकार को 29-11-2011 को प्राप्त हुआ था।

[सं० एल-42025/10/2011-आई०आर० (डी०यू०)]

जोहन तोपनो, अवसर सचिव

New Delhi, the 29th November, 2011

S.O. 3764.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 7/2009 ref. CGITA No. 531/2004 ref. ITC No. 5/2003) of the Central Government Industrial Tribunal cum Labour Court, Ahmedabad as shown in the Annexure, in the Industrial dispute between the employers in relation to the management of M/s Darbarshaw B. Chrstjee Sons (Bom) Pvt. Ltd. and their workman, which was received by the Central Government on 29.11.2011.

[No. L-42025/10/2011-IR(DU)]

JOHAN TOPNO, Under Secretary

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT, AHMEDABAD

Present

Binay Kumar Sinha,
Presiding Officer,
CGIT cum Labour Court,
Ahmedabad, Dated 09.11.2011

MECELLANEOUS APPLICATION (CGIT) No. 7/2009 IN
CONNECTION WITH REFERENCE: (CGITA) No. 531/
2004 Reference: (ITC) No. 5/2003 (Old)

Shri N.K. Sharma,
B/249, N.U. 4, Sapnanagar,
Gandhidham (Kutch)—370201.

.....Applicant

V/s

Managing Director,
M/s Darbarshaw B. Chrstjee Sons (Bom) Pvt. Ltd,
Darbarshaw House, Ballard Pier,
Mumbai—400 010.

.....Opponent

For the applicant: Himself

For the opposite party Shri L.M. Patil, Advocate.

ORDER

This a Misc. case filed by the applicant workman under section 26 (A) of the Industrial Disputes (Gujarat Rules 1966) praying therein for restoration of the reference case CGITA No. 531/2004 which was rejected/dimissed for want of none prosecution by the workman (applicant) by an award dated 22.08.2005 of this tribunal.

2. The applicant has filed the application for restoration of the reference coupled with a separate application under section 5 of the Limitation Act for condoning the delay in filing of the Misc. Case. Facts giving arise to the filing of this Misc. case are as follows. The applicant workman was employed with the opposite party employer and a dispute arose by not permitting to the workman Shri N.K. Sharma to join and was terminated by the management. The Appropriate Government referred the dispute for adjudication by this tribunal *vide* order dated 10.12. 2002 by formulating the terms of reference "Whether the action of the management M/s. D.B.C.'s sons (Guj.) Pvt. Ltd. Mumbai not to allow on duty after transfer either at Kakinada or at Kandla Presuming that he has left the service on his own is justified or legal? If not, what relief the workman is entitled for and since when?" The parties were noticed to appear and to submit their pleadings. Notice was sent to the workman N.K. Sharma for filing statement of claim in support of his case but no statement of claim was filed even lapse of 2 years from the date of reference and so the tribunal had reason to believe that the second party is not interested in dispute holding that the second party (workman) has failed to prove that action of the first party is unjustified, consequently the reference was rejected for non prosecution by the award dated 22.08.2005 which was sent for publication. Under the restoration application as well the application for condoning the delay the applicant workman has taken the ground of having no knowledge that the case is pending for submission of the statement of claim on his part. Further such ground has been taken that in connection with the reference case he had appointed Shri Sandip C. Patel, Advocate for doing proper pairvy on the dates and for preparing statement of claim and for filing in the reference case and also for filing the documents and for taking steps for filing of affidavit (evidence) and his lawyer had assured him that all the necessary steps will be taken by him towards hearing of the reference and that even the first party management had no appeared in the reference case his lawyer did not take any steps towards early disposal of the reference and so the applicant workman remained in dark about the development in the date to date proceedings depending upon his lawyer. Further ground taken is that on 26.06.2008 applicant came to know about rejection of his reference case under the award as in covered letter the

copy of the award was received by him. Further ground has been taken that due to rejection of the reference case he will suffer irreparable loss and so prayer has been made for setting aside the award dated 22.08.2009 and to restored the reference case to its original file for making the award by party after considering the pleading and the evidence of both sides.

3. The opposite party employer also appeared in this Misc. case and filed written statement contending *inter-allia* that since after raising dispute by the applicant workman resulting in sending order under terms of reference for adjudication he (workman) slept over the matter and has started showing much slackness and even the reference case being adjourned for about 2 years from dates to dates, the workman could not file his statement of claim in support of his case. Further contention is that the order was passed by the tribunal for dismissal of the reference on 22.08.2009 whereas the applicant workman has filed restoration application on 04.09.2009 after a delay of 4 years and that the applicant has not given cogent and proper explanation for such delay in filing of the restoration application and that the contents and averments made in the application in condonation of delay is misleading and is not supported by any cogent prove. On these grounds prayer has been made to dismissed this Misc. Application filed for restoration of the reference case.

4. The point for consideration is whether the applicant workman could have been able to show sufficient cause for non filing of the statement of claim in the reference case as well for filing of the restoration application after such delay?

5. Considering the rival pleadings of the parties these facts has to be considered that the applicant workman was living in Kutch which is distantly situated from Ahmedabad where the reference case was pending. More so the applicant has appointed a lawyer namely Shri Sandip C. Patel for taking up steps and watching proceedings of the reference case and for filing of the statement of claim etc. and according to version of the applicant his lawyer had assured him that he will take all necessary steps with filing of the statement of claim. Such ground has been taken at para 3 of the condonation application. There is no denial of the opposite party in its written statement of para 3 of condonation application. Rather opposite party in its written statement to the restoration application have insisted upon *vide* para 4 and 5, taking plea that the reference was not maintainable and the workman had not valid cause of action, so intentionally left doing pairvy and also did not file statement of claim to support his case. Both sides were heard at length. The applicant who personally made submission in this Misc. Case in absence of his lawyer Shri Dhruv Kumar C. Joshi appears to have shown keen interest in contesting the reference case for passing of the award by party because he had suffered a lot due to false assurance given by his previous lawyer namely Shri Sandip C. Patel that he will do all the needful in the reference case

but infact the said lawyer did not take steps and did not file statement of claim and other papers or even inform to the applicant regarding the dates and the development in the proceedings of the reference case.

6. Considering all the facts and circumstances I am of the view that lenient view has to be taken in this Misc. Case because the applicant workman is now ready to make contest in the reference case if the same is restored to its original file by complying with all the directions of the tribunal and in filing of the statement of claim at the earliest. So, the delay in filing of the restoration application at Ext. 2 is condoned as per Ext. 1 the separate application for condonation of delay and the restoration application at Ext. 2 is allowed and the award dated 22.08.2005 as to rejecting the reference for want of non prosecution, is set hereby aside and the Reference case No. 531/2004 having old ITC No. 05/2003 is restored to its original file and number.

Let copy of this order/award be sent for publication to the appropriate Government.

BINAY KUMAR SINHA, Presiding Officer

नई दिल्ली, 29 नवम्बर, 2011

का.आ. 3765.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार डिवाइजनल इंजिनियर, टेलीकम्यूनिकेशंस के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध 1 में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण हैदराबाद के पंचाट (संदर्भ संख्या 16/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 29.11.2011 को प्राप्त हुआ था।

[संख्य-14025/2/2011-आई.आर.(डी.यू.)]

जोहन तोपनो, अवर सचिव

New Delhi, the 29th November, 2011

S.O.3765.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 16/2005) of the Central Government Industrial Tribunal cum Labour Court, Hyderabad as shown in the Annexure, in the Industrial dispute between the employers in relation to the management of Divisional Engineer, Telecommunications and their workman, which was received by the Central Government on 29.11.2011.

[No. L-14025/2/2011-IR(DU)]

JOHAN TOPNO, Under Secretary

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL CUM LABOUR COURT
HYDERABAD

Present:— Shri Ved Prakash Gaur
Presiding Officer,

Dated the 7th day of April, 2011

INDUSTRIAL DISPUTE L.C.NO. 16/2005

Between:

Shri R. Kumara Swamy,
S/o R. Gandaiah,
R/o Thukkapur, Bhongiri,
Nalgondia District.

.....Petitioner

AND

1. The Divisional Engineer,
Telecommunications,
Karimnagar.
2. The G.M. Telecom,
Suryalok Complex, Abids,
Hyderabad.

.....Respondents

Appearances:

For the Petitioner : M/s. R. Yogender Singh,
V. Kiran Kumar, K. Sunil
Kishore Goud & B.K.M.
Chkravarthy, Advocates

For the Respondent : Sri R.S. Murthy, Advocate

AWARD

Sri R. Kumara Swamy, an ex-casual mazdoor has filed this petition under Sec. 2 A (2) of the I.D. Act, 1947 for his reinstatement and grant of benefit of wages.

2. The Petitioner has alleged that he was initially appointed as casual mazdoor under the Respondent from 1.11.1979 to March, 1981 and continued to work till he was disengaged in March, 1981 Thereafter he was not taken back for duty inspite of several representations.

3. The Petitioner has submitted that he completed more than 240 days service from November and December of 1979, January to December of 1980, January to March, 1981 in total for 412 days. As per the particulars of the service he was eligible for confirmation of the temporary status having completed 240 days in the service. Petitioner submitted that Respondent sent him for training at Warangal and promised to absorb in Respondent's industry after completion of training which he has completed in 1981 but he was not absorbed though other 32 employees were absorbed by the Junior Engineer, Telecom, Karimnagar. The Petitioner was discriminated in the matter of employment, juniors to him are continuing in the service. Services of Petitioner were disengaged following of law promulgated under provisions of Industrial Disputes Act, 1954 and

hence, the dismissal order be quashed and he be taken back in the service.

4. Respondents have filed counter statement stating therein that the petition is not maintainable under Industrial Disputes Act, 1947 and that Respondent is not able to verify whether Petitioner engaged from November, 1979 to March, 1981 as the records have been weeded out as per retention schedule. It is submitted that there is ban on engagement of casual labours on 30.3.1985 and reiterated *vide* letter No. 270/6/84-STN dated 22.6.1988. Respondent has imposed a total ban *vide* letter No. 269-4/93 STN dated 12.2.1999 except for a period of 60 days, and this was increased to 100 days *vide* letter dated 15.6.1999. The provisions in Rule 193 of P&T Manual Vol.X have been amended by withdrawing all the powers for engaging casual labour by filed units. Thus, there is no scope to engage the Petitioner. Petitioner is misrepresenting the factual position for his gain as such, the petition is frivolous, vexatious and is liable to be dismissed.

5. Both the parties were directed to file their respective evidence. Petitioner workman has filed his affidavit in form of his examination in chief and appeared for cross examination. Respondents have also filed counter affidavit of Sri M. Venkata Swamy MW1. Petitioner has filed personal diary of his attendance.

6. I have heard both the parties. Both of them have filed their written arguments as well. I have considered the written arguments of both the parties and the entire material available on the record.

7. It has been argued by counsel for the workman that the Petitioner has worked for a total of 412 days for which the Petitioner has filed evidence as muster roll book. The entire submission of the workman's counsel is that the Petitioner workman has worked for 412 days as such, he has become entitled for regularization in the service, but he was not regularized and was disengaged from the service. He was sent for training in 1981, he was recruited by following the procedure under recruitment rules, as such he was issued with an identity card Ex. W1. Other 33 people who have appeared for examination along with Petitioner were regularized.

8. Against this argument of Learned Counsel for the workman Learned Counsel for the Respondent management has argued that even if it is assumed that the Petitioner workman has worked for 412 days as alleged by him in the claim statement, Petitioner does not become entitled for regularization after grant of temporary status in the service, because the Petitioner was a casual mazdoor. He has rendered his services on the days when there was requirement by the Respondent management. The Petitioner was not a regular employee nor he was appointed on regular basis. There is no appointment order in the matter of the Petitioner nor the Petitioner was appointed in

compliance with the rules of employment in the public services as such, even if the Petitioner has worked for 412 days in three different years, he is neither entitled for the protection under Sec. 25F of the Industrial Disputes Act, 1947 nor he is entitled for regularization or absorption in the services as held in the case of 2006 SCC (L&S) 11 in the matter the Batal Coop Sugar Mills Ltd., Vs. Sowaran Singh 2006 SCC (L&S) 11, and NFC Vs. K. Penta Reddy reported in 2002(2) ALD 384 not only that the Petitioner was not appointed following the procedure of the public employment as such, he is not entitled for any relief by this Tribunal.

9. Learned Counsel for the Petitioner has also argued that the Respondent has regularized the services of casual mazdoors namely, Sri C. Subbaiah and Sri Pratap Reddy, in the year 2004 whose services were terminated during the year 1984-86 and 18 mazdoors were regularized at Telephone Bhawan, Hyderabad as such, the Petitioner is also entitled for the regularization in the service. I have considered this argument. It has to be seen whether the alleged general mazdoors were juniors to the Petitioner or not? This is a matter of fact and the fact alleged by the Petitioner has to be proved by him.

10. I have considered above submission of Learned Counsels for the parties and I have gone through the material available on the record. In the light of the above argument this Tribunal has to consider the following points:—

- (I) Whether the juniors to Petitioner were regularized by the management as alleged by him?
- (II) Whether the services of the Petitioner were terminated illegally and arbitrarily without following the principles of natural justice?
- (III) Whether the Petitioner is entitled for any relief or not?

11. Point No. (I) & (II): It has been alleged by the Petitioner workman that he worked with the management from 1979 to 1981 for 412 days, a statement of which has been given in para 2 of his claim statement. This material fact has been challenged by the management. The management has stated that the Petitioner was not engaged by management even if he claimed to have worked with the management it is his duty to prove because the record of the Department has been weeded out. The contention of the Petitioner workman that he worked at several places in the Karimnagar District is wrong. The Petitioner has filed own prepared attendance register and payment register, it is not verified by any competent authority. He has filed xerox copy of payment register, how he got it, from where he got it is a material fact which has not been proved by the workman. The workman has alleged that he has worked for 412 days from November, 1979 to March, 1981 and from March, 1981 he was disengaged. Petitioner in his affidavit

has stated that he was sent for training, he was asked to appear for examination for regularization but, whether he appeared for the examination for regularization in service or not has not been mentioned by him in his affidavit, however, this statement of the Petitioner proves that the management has formulated some rules that only those casual workers who will pass examination will be regularized and it was the duty and responsibility of the Petitioner workman to prove that he passed examination conducted by the management. Unless the Petitioner passed the examination he could not have been regularised in the service. In cross examination the Petitioner has stated that he worked at different places in Peddapalli, Karimnagar, Hazurabad, Fertilizer City at Godavarikhani and Jatyal. But he has not filed the alleged muster roll of the different places. He has stated that he is working under a contract before J.E., Bhongiri, this statement prove that the Petitioner worked under the contractor. He has further stated and admitted that he was engaged when there was work with the Respondent. He has further stated that he was not engaged after 1981 and he has filed this LCID in the year 2005. Why Petitioner did not raise dispute before any Tribunal or Labour Court soon after his disengagement in the year 1981 has not been clarified by the Petitioner. This petition has been filed after 20 years of his disengagement without any cogent and valid reason. Petitioner of this case has not been able to prove that he was appointed by any written order following the rules of public employment as such, he can not claim for reinstatement after 20 years of his disengagement from the service. **Learned Counsel for the Respondent has filed the case law of the Hon'ble Supreme Court in CA No. 292/2009 between Bharat Sanchar Nigam Ltd., and Teja Singh wherein Hon'ble Supreme Court has held that "even it is proved that a temporary employee or casual worker continued for a time beyond term of his appointment he is not entitled for absorption in the regular service if the original appointment was not made by following due process of selection as envisaged by relevant rules."** Hon'ble Supreme Court has further held that "it is not open to the Court to prevent regular recruitment at the instance of the temporary employees whose period of employment as come to an end for adhoc employee who by the very nature of their appointment do not acquire a right." Hon'ble Supreme Court has further held that the "question of regularization of service of such casual or adhoc employees may have to be considered on merit" in the light of the principle settled by Hon'ble Supreme Court of India in the matter of Secretary of State of Karnataka Vs. Umadevi and others (2006)(4) SCC page 1 wherein Hon'ble Court has emphasized that the law laid down in Umadevi & Others case must be followed by each and every court this country. This judgement of Hon'ble Supreme Court coupled with the judgement in CA No. 292/2009, this Tribunal is of the opinion that the Petitioner has not been able to make out a case for reinstatement in the service because he was not

appointed on regular basis following the principles of appointment in the public service. The Petitioner has claimed that juniors to him have been absorbed but he has not been able to prove that a single person junior to him is in service as such, this contention is also baseless.

12. The Petitioner of this case has filed this petition after 20 years i.e., after great delay and latches, that itself is a ground for dismissal of his case. Point Nos. (I) and (II) are decided accordingly.

13. Point No. (III): Petitioner has not been able to prove that his services were terminated illegally or arbitrarily or anybody junior to him has been retained by the management as such, he is not entitled for any relief. Point No. (III) is decided accordingly.

14. From the above discussion, this Tribunal is of the opinion that Petition deserves to be dismissed and it is dismissed. Hence, this award.

Award passed accordingly. Transmit.

Dictated to Smt. P. Phani Gowri, Personal Assistant transcribed by her corrected by me on this the 7th day of April, 2011.

VED PRAKASH GAUR, Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner	Witnesses examined for the Respondent
WW1: Sri R. Kumara Swamy	MW1: Sri P. Satyanarayana

Documents marked for the Petitioner

- Ex. W1: Certificate/Identity card
- Ex. W2: Muster roll book of Petitioner

Documents marked for the Respondent

- Ex. M1: Copy of DGP & T Ir. No. 270/6/84-STN dt. 30.3.1985
- Ex. M2: Copy of DOT, New Delhi Ir. No. 270-6/84-STN dt. 22.6.88
- Ex. M3: Copy of office memorandum No. 269-4/93-STN-II(Pt.) dt. 12.2.99
- Ex. M4: Copy of office memorandum No. 269-4/93-STN-II(Pt.) dt. 15.6.99
- Ex. M5: Copy of extract of rules/guidelines relating to retention schedule Appendix-3 of FHB Vol-III

नई दिल्ली, 30 नवम्बर, 2011

का.आ. 3766.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस. सी. सी. एल. के प्रबंधन के संबद्ध नियोजकों

और उनके कर्मचारों की बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, हैदराबाद के पंचाट (संदर्भ संख्या 55/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 30/11/2011 को प्राप्त हुआ था।

[सं. एल-22012/279/2004-आई आर (सीएम-II)]

डी. एस. एस. श्रीनिवास राव, डेस्क अधिकारी

New Delhi, the 30th November, 2011

S.O. 3766.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 55/2005) of the *Cent. Govt. Indus. Tribunal-cum-Labour Court, Hyderabad* as shown in the Annexure, in the industrial dispute between the management of *M/s Singareni Collieries Company Limited*, and their workmen, received by the Central Government on 30/11/2011).

[No. L-22012/279/2004-IR(CM-II)]

D.S.S. SRINIVASA RAO, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT AT HYDERABAD

Present:—Shri Ved Prakash Gaur

Presiding Officer

Dated the 26th day of September, 2011

INDUSTRIAL DISPUTE No. 55/2005

Between:

The General Secretary,
(Sri Bandari Satyanarayana),
Singareni Collieries Employees Council (INTUC),
BCH 30, Vittal Nagar,
Godavarikhani-505209.

.....Petitioner

AND

The General Manager,
M/s. Singareni Collieries Company Ltd.,
Sreerampur Division,
Sreerampur.

.....Respondent

Appearances:

For the Petitioner: M/s. A. Sarojana, K. Vasudeva Reddy
& Purnachandar Rao, Advocates

For the Respondent: M/s. P.A.V.V.S. Sarma & Vijaya
Lakshmi Panguluri, Advocates

AWARD

This claim petition has been registered on the basis of reference received from the Government of India, Ministry

of Labour by its order No. L-22012/279/2004-IR(M) dated 12.7.2005 under section 10(1)(d) of the I.D. Act, 1947 for adjudication to this Tribunal between the management of M/s. Singareni Collieries Company Ltd., and their workman. The terms of reference is:

SCHEDULE

"Whether the demand of Singareni Collieries Employees Council for reinstatement of Shri D. Philoman, Coal Filler, SRP-3 & 3A inc., Sreerampur Division into the services of Singareni Collieries Company Ltd., is legal and justified? If so, to what relief the workman is entitled?"

On the receipt of this reference notices were issued to the parties calling upon the parties to file their respective claims.

2. It has been stated by the Petitioner union that workman Sri D. Philoman was appointed on compassionate grounds as badli filler on 17.12.1990 and was confirmed as coal filler. However, while he was working at SRP 3 & 3A Incline, he became sick from January, 1996 to December, 1996 and was under treatment in the company's hospital from 1996 to 1997. He took treatment upto 12/98, became healthy and submitted his fitness certificate to the join his duty. Without considering the man days workman spent on sickness i.e., TB treating those musters as absenteeism a charge sheet dated 19.8.1997 was issued to him alleging therein that workman was absent during the period from January, 1996 to December, 1996 without sufficient cause which amounts to misconduct under company's Standing Orders No. 25.25 and 25.31. Workman was not aware of issuance of charge sheet or of enquiry. He came to know that he was dismissed by order dated 18.8.2000.

3. Petitioner workman has submitted sick certificate and explained reasons for his inability to attend the duty which was considered by the Enquiry Officer as well as by the Disciplinary Authority as such, he was put to great prejudice. He was unaware of the charge sheet as well as enquiry notice and its paper publication. Thus, he could not participate in the enquiry. Petitioner was absent due to ill-health. Enquiry Officer has submitted his enquiry report with a predetermined notion as such, the order passed on such enquiry report is bad and deserves to be quashed. The action of the Respondents in dismissing the Petitioner from service is illegal, arbitrary, violative of principles of natural justice and hence, be set aside directing the Respondents to reinstate the Petitioner with all consequential benefits etc..

4. Management has submitted counter statement alleging therein that Petitioner remained absent for the year 1996 which hampered the working of the company, the absence of the Petitioner was without any sufficient cause Petitioner's contention that he was not afforded proper opportunity is incorrect. Petitioner was initially appointed

on 17.12.1996 as badli filler. He had put in 130 and 102 musters only during the years 1994 and 1995 respectively. He could attend only 47 days in the year 1996 and remained absent on other days in the calendar year 1996 for which a charge sheet was issued to the Petitioner. As per records Petitioner worker was on half pay leave from 20.4.1996 to 7.7.1996, he was made fit for his duties from 8.7.1996 by the Colliery Medical Officer in the company Hospital and thereafter the employee remained absent without any intimation, leave or sufficient cause during the year 1996.

5. Charge sheet was sent to his home address by registered post acknowledgement due which was returned undelivered by postal authorities and hence, the charge sheet cum enquiry notices was published in the Telugu daily Andhra Jyothi dated 19.11.1997 advising the Petitioner to submit his written explanation and also to attend for an enquiry on 24.11.1997. As the Petitioner did not attend enquiry on the said date, Enquiry Officer was left with no option but to conduct ex-parte enquiry. As per enquiry report charge levelled against Petitioner was established and he was held guilty of the charge. He did not inform his superiors about his ill-health. Show cause notice dated 23.2.1998 was sent to the home address of the employee under registered post acknowledgement due which employee had acknowledged but did not submit any reply to the show cause notice. Workman did not improve his attendance even after issuance of charge sheet as he had put in 12 musters in 1997, nil musters in 1998, 1999 and 2000. The company has provided medical facilities by establishing hospitals, the Petitioner did not report to the company hospital for his alleged sickness thus, his submission that he was absent due to ill-health is unfounded, Enquiry Officer has given his finding on the material placed before him by the management and no fault can be found in the enquiry report, it is based on evidence and Petitioner's dismissal order is not disproportionate to the misconduct committed by him since Petitioner was not regular to his duties company has dismissed him which is neither illegal nor invalid, his absenteeism is grave misconduct within the Standing Orders 25.25 of the company and dismissal is not bad in the light of the case law reported in 1996(1) SCC 302 State of U.P. and others Vs. Ashok Kumar Singh. The reference is liable to be answered in negative as devoid of merits.

6. Parties were directed to produce documentary evidence in support of their claims. Petitioner has not filed any document. The Respondent has filed charge sheet, undelivered cover with acknowledgement returned by postal authorities, Telugu daily 'Andhra Jyothi', domestic enquiry proceedings, enquiry report, show cause notice, postal acknowledgement of receipt of show cause notice, service particulars of the workman, and dismissal order dated 18.8.2000.

7. The question of the legality and validity of domestic enquiry held by the management was taken up as preliminary point, it is pertinent to mention that Learned Counsel for the Petitioner moved memo dated 10.11.2008 conceding the validity and legality of the domestic enquiry as such, the domestic enquiry was held to be legal and valid.

8. Both counsels filed written arguments. I have heard counsels for the parties and also have gone through the claim petition, counter statement and documents.

9. It is admitted fact that the Petitioner has put in only 47 musters during the year 1996 for which a charge sheet dated 19.8.1997 was sent to the Petitioner which was returned undelivered. Respondent has given paper advertisement containing charge sheet as well as enquiry notice in the Andhra Jyothi daily news paper. Petitioner did not attend enquiry as such, exparte enquiry was held where charge against the Petitioner was held proved. On the basis of the report submitted by the Enquiry Officer dismissal order has been passed against the Petitioner which is under challenge. In this case this tribunal has to consider:

(I) Whether the absence of Petitioner during the year 1996 was for any sufficient and reasonable cause or not and the report of Enquiry Officer is based on evidence or not and whether the demand of Singareni Collieries Employees Council for reinstatement of Shri D. Philoman, Coal Filler, SRP-3 & 3A Inc., Sreerampur Division into the services of the Singareni Collieries Company Ltd., is legal and justified?

(II) Whether the punishment imposed upon the Petitioner is disproportionate to the misconduct committed by the Petitioner?

10. **Point No. (I):** The Petitioner union has submitted that workman remained ill during the year 1996 due to which he remained absent and put in 47 musters during the year 1996. Worker has not been able to produce single document before the Enquiry Officer to substantiate allegations of sickness. Since absence of the Petitioner workman was admitted by the workman himself through his claim petition it was the sole duty of the Petitioner workman to prove that his absence was due to any cogent reason or sufficient cause. Workman was unable to prove that his absence during the year 1996 was due to sufficient reason. Though he stated that he was absent due to ill-health but he has not provided any material or proof in support of his illness. Even if it is presumed that Petitioner workman remained absent due to the ill-health why he did not inform his superiors regarding his illness, has not been explained by him. Petitioner did not attend enquiry, nor responded to the enquiry report, thus, exparte enquiry has become unavoidable in his case and the finding of the Enquiry Officer is based on evidence and reasoning that Petitioner workman's absence during the year 1996 was without reason.

and sufficient cause and no fault can be found in the finding arrived at by the Enquiry Officer. Though workman has alleged that the enquiry was held *ex parte*, he should have submitted supporting material facts or documents whatever may be in support of his ill-health at least before this Tribunal for consideration. But nothing was brought by him before this Tribunal as such, his contention that he suffered ill-health is unfounded and baseless.

11. This Tribunal is also of the opinion that the Petitioner workman remained absent without any intimation to his employer during the year 1996, his absence was without any reasonable or sufficient cause and thereby the workman has committed misconduct mentioned in para 25.25 of the Standing Orders of the company. The demand of Singareni Collieries Employees Council for reinstatement of Shri D. Philoman, Coal Filler, SRP-3 & 3A Inc., Sreerampur Division into the services of the Singareni Collieries Company Ltd., is illegal and unjustified. Point No. 1 is decided accordingly.

12 Point No.2: So far as the question of punishment is concerned the Petitioner has not been able to justify his absence during the year 1996 and he attended only 47 musters though the Respondent management has stated in the counter statement that Petitioner workman remained absent during the years 1994, 1995 and 1997 also which was not mentioned in the charge sheet. However, this fact was not brought before the Enquiry Officer. As such, the previous absence can not be taken into consideration but the absence in the year 1996 is surely a grave misconduct and management has not committed any mistake in passing the punishment of dismissal against the Petitioner. The Learned Counsel for the Petitioner has argued that the Petitioner's family is starving due to dismissal of the Petitioner against which Learned Counsel for the Respondent has argued that Petitioner himself is responsible for the starvation of the family members, the Petitioner was a unwilling worker who has not cared to perform his duties with sincerity as such, the punishment was proper and interference is not required in this case.

13. I agree with the argument of the Learned Counsel for the Respondent and I am also of the considered opinion that the punishment imposed on the Petitioner workman is neither excessive nor disproportionate and workman is not a deserving person for any lenient view to be taken in his favour. The Petitioner workman himself is responsible for the starvation of his family members, no interference is required in the matter of the punishment. He is not entitled for any relief. Point No.2 is decided accordingly.

14. From the above discussion this Tribunal has come to the conclusion that the demand of Singareni Collieries Employees Council for reinstatement of Shri D. Philoman, Coal Filler, SRP-3 & 3A Inc., Sreerampur Division into the services of the Singareni Collieries Company Ltd., is illegal and unjustified. The claim of the

Petitioner union is unfounded, no interference is required in this case as such, Petitioner workman is not entitled for any relief and hence, this award.

Award passed accordingly. Transmit.

Dictated to Smt. P. Phani Gowri, Personal Assistant transcribed by her corrected by me on this the 26th day of September, 2011.

VED PRAKASH GAUR, Presiding Officer.

Appendix of evidence

Witnesses examined for the Petitioner	Witnesses examined for the Respondent
NIL	NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 30 नवम्बर, 2011

का.आ. 3767.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इन्डियन लैबर कोड के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नागपुर के पंचाट (संदर्भ संख्या 17/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 30/11/2011 को प्राप्त हुआ था।

[सं.एल.-22012/140/2002-आई आर (सी एम-II)]

डी एस एस श्रीनिवास राव, डेस्क अधिकारी

New Delhi, the 30th November, 2011

S.O. 3767.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 17/2003) of the Cent. Govt. Indus. Tribunal-cum-Labour Court, NAGPUR as shown in the Annexure, in the industrial dispute between the management of Naigaon Sub Area of Western Coalfields Limited, and their workman, received by the Central Government on 30/11/2011.

[No. L-22012/140/2002-IR(CM-II)]

D.S.S. SRINIVASA RAO, Desk Officer

ANNEXURE

BEFORE SHRI J.P. CHAND, PRESIDING OFFICER,
CGIT-CUM-LABOUR COURT, NAGPUR

Case No. CGIT/NGP/17/2003

Date: 15.11.2011

Party No. 1 : The Sub Area Manager, Naigaon Sub Area of Western Coalfields Limited, Post-

Bellora, Tah.-Wani, Distt.-Yavatmal
(M.S.)

Versus

Party No. 2 : Shri Lomesh Maroti Khartad, General Secretary, National Colliery Workers Congress, Dr. Ambedkar Nagar, Ballarpur, PO & The. Ballarpur, Distt. Chandrapur.

AWARD

(Dated: 15th November, 2011)

In exercise of the powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of section 10 of Industrial Disputes Act, 1947 (14 of 1947) ("the Act" in short), the Central Government has referred the industrial dispute between the employers, in relation to the management of State Bank of India and Shri, for adjudication, as per letter **No.L-22012/140/2002-IR (CM-II) dated 23.12.2002**, with the following schedule:—

"Whether the action of the management of WCL, Naigaon Sub Area in not referring Sh. Pogula Chinna Rajan, Mining Sirdar to Age Assessment Committee/Medical Board Constituted for the purpose to determine the date of birth of the workman is just, fair and legal? If not to what relief the workman entitled?"

2. On receipt of the reference, the parties were noticed to file their respective statement of claim and written statement and accordingly, the workman through the union, "National Colliery Workers Congress" ("the union" in short) filed his statement of claim and the management of the State Bank of India (here-in-after referred to as the Party No. 1) filed its written statement.

The case of the workman as projected by the union in the statement of claim is that the workman was appointed by party No. 1 as a manual worker and subsequently, he was promoted to different posts and his date of birth was recorded in the company's record i.e. the identity card, which is a statutory record, duly signed and stamped by the officers of party No. 1 as 20 years as on 01.03.1969, but his date of birth, according to school leaving certificate issued by Zilla Parishad Middle school, Sasti Colliery, Chandrapur is 26.06.1950 and in his shot-firer's certificate and Mining Sardar certificate issued by Board of Mining examination, under the Mines Act, 95 and Coalmines Regulation, 1957 also, his date of birth has been mentioned as 26-06-1950 and the manager of Gughus colliery after having satisfied about the age of the workman, issued certificates of his age, medical fitness, good character, educational qualification and experience as required to be submitted for obtaining the Shot-Firer and Sirdar certificates and in the year 1988 or so, while records of the employees were prepared a-fresh, in accordance with the

amendment of Mines Act, 1952 and Mines Rule, 1955, without any basis and in utter disregard to the statutory documents of the workman in regard to his date of birth, his date of birth was mentioned as 01.01.1947 and though the workman represented orally as well as in writing including the application dated 17.09.1991 addressed to the Manager, Belora Opencaste project to correct his date of birth as 26.06.1950, instead on 01.01.1947, his case was not considered by party No. 1. It is further pleaded by the union on behalf of the workman that the procedure for determination/verification of age of the employees as finalized by JBCCI was circulated *vide* implementation circular No. 37 dated 05.02.1981, in which, it was provided that, "wherever there are variations, a suitable provision for age determination committee/medical board would be made" by management and the said committee/medical board was bound to consider the evidence available with the colliery management and/or adduced before it by the employee, but management failed to discharge the responsibilities and the workman was deprived of getting justice and implementation instructions 37 was revised *vide* implementation instruction No. 76 circulated *vide* No. CIL/NCWA-III/1.1.76/88/185 dated 25.04.1988 and according to the said implementation circular, "(ii)(B) similarly Mining Sirdarship, Winding engine or similar other statutory certificate, where the management had to certify the date of birth will be treated as authentic and in view of the date of birth as mentioned in the Sirdar Certificate and Shot Firer Certificate of the workman, management should have treated the same to be authentic, but management did not comply with the specific instruction of JBCCI for correction of the date of birth and as there was variation of the age of the workman in records, constitution of medical board/ Determination committee was required and as the identity card was untempered, the workman was entitled for his examination by medical board for assessment of his age and management has been correcting the date of birth of different employees in accordance with the implementation instruction No. 76 and management had also agreed to deal with age dispute cases in accordance with the provision of 01.01.1976 of NCWA, on 07.03.2000 in CMD level meeting and circulated the minutes of the meeting *vide* reference dated 17.04.2000, but inspite of the attempts made by the workman and so also the union to take up the case of the workman, management did not respond and the case of the workman remained unconsidered. The union has prayed for a direction to the management to correct the date of birth of the workman as 26.06.1950 on the basis of the shot firer and Mining Sirdar certificates or to send the workman to medical board to determine the date of birth.

3. In the written statement, it is pleaded *inter alia* by the party No. 1 that the union is not competent to raise the dispute on behalf of the workman, as the union is not the registered union of the workers of Naigaon colliery and the union has no following or very little following at Naigaon

and there is no community of interest between the union and workers of Naigaon colliery and to the best of its knowledge, no resolution was adopted in the meeting of the members of the union for espousal of the case of the workman. The further case of the party No. 1 is that the workman was appointed on 01.03.1969 at Robertson Incline of Ghugus colliery during the erstwhile private management, prior to the Nationalisation of Coal Industry and in the Statutory "Form B" register maintained by the private management his age was recorded as 25 years in 1972 along with other particulars and the entries have the thumb impression of the workman and after nationalization of the coal mines in 1973, the "Form B" register had to be remade under the management of Western Division of coal mines authority Ltd. and accordingly, in the "Form B" register of 1974, the age of the workman was recorded as 27 years and the entries in the said "Form B" register also have the thumb impression of the workman and according to the Rules, photograph of every employee was to be pasted in the "Form B" register, therefore the register was again made in the year 1983 and in the said register, the age of the workman was recorded as 36 years, which was duly signed by him and thus, there was no discrepancy in the age of the workman recorded in the "Form B" registers, where were made on three occasions having the thumb impression and signature of the workman respectively and the workman having full knowledge of his age recorded in the statutory register had never protested or applied for change of his date of birth. It is further pleaded by party No. 1 that in the year 1987, according to the policy decision of CIL, the service excerpts of the employees were communicated to all including the workman and according to the communication made to the workman, his age was recorded as 39 years in 1986 and the workman duly signed the service excerpts and returned the copy thereof to the management and on this occasion also, there was no representation by the workman for correction of his age and the employers are maintaining the service records of all the employees containing complete details including age and in the service book of the workman, his age was recorded as 39 years in 1986 and the service book was signed by the workman on 29.06.1986 and in between 01.03.1969 and the year 1986/87, when the date of birth of the workman was recorded in the statutory registers and service book, there were at least five occasions when his age was recorded and duly signed by him, there was never any protest or application by the workman for correction of his age and the workman started manipulating things, so as to get his date of birth corrected and according to the workman himself, the first representation exhibit W-5 was made on 17.09.1991 for correction of the date of birth and on perusal of the said document, it can be found that the contents of the same are vague and do not indicate the date of birth, sought to be corrected and the same was not accompanied by any certificate in proof of his age and thereafter, the case of the workman was represented by the union in the year 2001,

after a gap of nearly nine years and in the Gas Testing certificate of the workman dated 09.06.1977, his date of birth has been recorded as 12th March, 1947, which tallies with the age recorded in its records and there being no discrepancy in the recorded age of the workman in statutory as well as other relevant documents, there was no justification in referring his case to medical board/age assessment committee and the identity card is fake and manipulated and the school leaving certificate on the face of it, appears to be manipulated and managed and union has suppressed a very material fact that before passing Shot Firer's and Mining Sirdarship examination, the workman had obtained Gas testing certificate from the same department, i.e. department of Mines, Government of India, in which his date of birth has been mentioned as 12.03.1947 and the workman has put his left thumb impression on the Gas Testing certificate and if the date of birth recorded in the said certificate was not correct, then the workman should have raised objection to the same and apparently and deliberately, the age of the workman in the subsequent certificates was manipulated, without producing the first certificate and in view of the contradictory entries in the certificates issued by the department of the Mines with regard to his age, no reliance can be placed on the same and matter is to be considered in light of the statutory and other records available with the management and the workman is not entitled for any relief.

4. In the rejoinder, it is pleaded by the union on behalf of the workman that the union is entitled to represent the workman and though WCL is a state within the meaning of Article 12 of the Constitution of India, it had adopted unfair labour practice by not correcting the date of birth of the workman, basing on the Shot Firer's and Mining Sirdar certificates, though party No. 1 had corrected the date of birth of number of other employees on the same basis.

5. Besides placing reliance on documentary evidence, both the parties have led oral evidence in support of their respective stands. The union has examined the workman as a witness, whereas, one L.V. Raju, Personnel Manager (IR) has been examined as a witness on behalf of party No. 1.

The examination-in-chief of the workman on affidavit is the reiteration of the facts mentioned in the statement of claim and rejoinder. However, in his cross-examination, the workman has admitted that when he applied for Shot Firer certificate, he was told by Jagrupan Babu that school leaving certificate showing educational qualification would be required, so he obtained the school leaving certificate, Exhibit W-10 from the school and the said certificate was sent by Jagrupan for obtaining Shot Firer's certificate and he passed Mining Sirdar certificate in 1981 and he had applied in the prescribed form for the examination of Mining Sirdar and he had attached the same school leaving certificate, Exhibit W-10 along with the prescribed form

and he had passed Gas testing examination before obtaining the Shot Firer's certificate and Mining Sirdar certificate and he passed the said examination on 09.06.1977 and his date of birth in the said certificate has been mentioned as 12.03.1947 and the said certificate was issued by the department of Mines and he did not apply the department of Mines protesting about wrong mentioning of the date of birth in Gas testing certificate. He has further stated that Exhibit M-5 is his service book and his date of birth was not mentioned as 26.07.1950 in his service book and his age has been mentioned as 39 years in the year 1986 and he had not represented against the same and management had taken steps for correcting the date of birth by calling information *i.e.* service excerpt and the copy of the same, Exhibit M-6 is filed by the management and Exhibit M-6 bears his signature in token of receipt of the copy of the same.

6. The evidence of L. V. Raju is in the line of the facts mentioned in the written statement by the party No. 1. In his cross-examination, this witness has stated that NCWA are binding on the workman and so also the management and in the certificate, Exhibit W-8, the date of birth of the workman has been mentioned as 26.06.1950 and the management is under obligation to implement NCWA.

7. At the time of argument, it was submitted by the learned advocate for the workman that the union is entitled to raise the dispute on behalf of the workman and it is well established that in dealing with industrial matters, industrial adjudication should not encourage technical pleas. It was further submitted that party No. 1 is bound to implement the directions of NCWA and to implement instruction No. 76 and in spite of the documents filed by the workman to correct his date of birth as 26.06.1950 in his service records and party No. 1 has corrected the date of birth of number of other employees situated in the same footing like the workman, basing on the date of birth mentioned in their respective Mining Sirdar certificate and the management suppressed the record of school-leaving certificate and did not produce the same and as such, management is guilty of suppression of vital document and in view of the documents produced and evidence adduced, the party No. 1 be directed to correct the date of birth of workman and he be given all consequential benefits on the basis of such correction of date of birth.

In support of such contention, reliance was placed by the learned advocate for the workman on the decisions reported in 1984 SCC-392 (Workman Employed by Hindustan Lever Ltd Vs. Hindustan Lever Ltd), AIR 1986 SC-132 (H.D. Singh Vs. Reserve Bank of India), AIR 1994 SC-853 (S.P.C. Naidu Vs. Jagannath), 1999-ISC-177 (Bharat Cooking Coal Ltd. Vs. Raghunath Balmiki), AIR 2002-SC-509 (Cement Corpn. of India Ltd. Vs. Raghbir Singh), 2008 LAB I.C. 2677 (Jharkhand High Court) (Kamta Pand Vs. BCCL & others), 2001-1-SCC-371 (National Engineering

Industries Ltd. Vs. State of Rajasthan), 2007 (115) FLR-427 (SC) (Mohan Mahto Vs. M/s. Central Coal Fields Ltd & others), AIR 1968-SC-1413 (G.K. Ketkar Vs. Md. Haji Latif) and 1995 Supp (3) SSC-442 (Managing Director, Orissa Textile Mills Ltd Vs. Mandhardhr Naik).

8. On the other hand, it was submitted by the learned advocate for the party No. 1 that the union is not competent to raise the dispute on behalf of the workman, as its very existence and status is questionable and it does not have sufficient following in the establishment in question and there was no resolution passed by the members of the union to espouse the dispute. In support of such contention, reliance was placed on the decisions reported in AIR 1966 SC-182 (Workman of Dharampal Premchand Vs. Dharampal Premchand) and AIR 1970 SC-182 (Workmen of Indian Express Newspaper Pvt. Ltd. Vs. The Management of Indian Express News Paper Pvt. Ltd.

It was further submitted that the documents produced and evidence adduced by the party No. 1 clearly show that there was no discrepancy in the management's records regarding the age of the workman, so there is no question of correcting the date of birth of the workman and the documents filed by the workman *i.e.* school-leaving certificate and identity card are not genuine documents and the other documents produced by the workman do not have any evidentiary value and the workman had never represented to the management for referring this case to age assessment committee and as the case of the employees referred by the workman regarding correction of date of birth, basing on Mining Sirdar certificate are not the same and similar to the case of the workman and for that, the workman is not entitled for correction of date of birth and the dispute was raised by the workman at the last stage and of his service career and on that ground only, he is not entitled for any relief.

In support of the contentions, reliance has been placed by the learned advocate for the party No. 1 on the decisions reported in 1995 LABIC-1825 (Burn Standard Company Ltd. & Another vs. Dinabardher Mazumdar and 2001 LAB IC 1400 (Hindustan Lever Vs. S.M. Jadhav).

So keeping in view the principles enunciated by the Hon'ble courts in the decisions cited by the learned advocates for the parties, the present case at hand is to be considered.

9. So far the submission made by the learned advocate for the party No. 1 that the union is not competent to espouse the dispute is concerned, from the documents filed on record and the provision of section 36(1)(a) of the Act, it is found that the union is competent to espouse the dispute on behalf of the workman.

10. Before delving into the merit of the matter, it is necessary to mention here that as per the schedule of reference, it is to be adjudicated as to whether the action of

party No. 1 in not referring the workman to age assessment committee/ Medical Board constituted for the purpose to determine the date of birth is just, fair and proper or not. However, in the statement of claim, the union has made prayer to correct the date of birth of the workman as 26.06.1950, basing on the date of birth mentioned in the Mining Sirdar certificate and Shot Firer's certificate, besides passing necessary orders to direct the party No. 1 to send the workman to medical board to determine his date of birth. It is well settled in a number of decisions by the Hon'ble Apex Court that, the Tribunal cannot travel beyond the schedule of reference and is to confine the adjudication to the schedule of reference. Hence, the prayer for correction of the date of birth of the workman made by the union cannot be entertained.

11. It is clear from the documents on record, the pleadings of the parties and the evidence adduced that the workman has based his claim on implementation instruction No. 76 of 88, which was issued for determination/ verification of the age of the employees and for resolution of dispute cases of service records as per the decision of JBCCI-IV. I think it proper to mention here about instruction Nos. 4, 5, 6, 11, 12, 13 and para (B) of Annexure-I of the implementation instruction No. 76, as the same are necessary for adjudication of the dispute, which read as follows:—

"4. Final approved decisions are given below serially for implementation. The procedure/orders outlined hereunder are in supercession of the existing procedure/orders.

5. Undisputed case

It was agreed that in undisputed cases, with a view to have stable record of service, the entire date in the service record should be computerized and a copy should be retained in the Colliery/Project/Area/Subsidiary level and not be reopened. It was also agreed that after the task of computerization is over, a copy of the print out will be given to the employee concerned.

6. Procedure for determination/verification of the age of employee. The earlier implementation instruction No. 37 dated 5th February 1981 has been revised and the same is enclosed as Annexure-1.

(II) The decision of the Age determination committee/ Medical Board will be binding and final.

(12) It was also agreed that age disputes pending in the case of employees superannuated on and after 1st July, 1987 will be examined in accordance with the revised procedure and all past cases will not be opened.

(13) The above procedure will come into force with immediate effect and will supersede the existing procedure/orders, if any, on the subject.

Paragraph (B) of Annexure-I attached to implementation Instruction 76 read as follows:—

(B) Review/determination of date of birth in respect of existing employees.

(i) (a) In the case of existing employees Matriculation Certificate or Higher Secondary Certificate issued by the recognized Universities or Board or Middle Pass Certificate issued by the Board of Education and/or Department of Public Instruction and admit card issued by the aforesaid bodies should be treated as correct provided they were issued by the said Universities/Boards/Institutions prior to the date of employment.

(i) (b) Similarly, Mining Sirdarship, winding engine or similar other statutory certificates where the Manager had to certify the date of Birth will be treated as authentic:

Provided that where both documents mentioned in (i) (a) and (i) (b) above are available, the date of birth recorded in (i) (a) will be treated as unauthentic.

(ii) Wherever there is no variation in records, such cases will not be reopened unless there is a very glaring and apparent wrong entry brought to the notice of the management the management after being satisfied on the merit of the case will take appropriate action for correction through Age Determination Committee/Medical Board."

12. It is clear from the materials on record that the party No. 1 implemented the implementation instruction No. 76 and corrected the date of birth of some employees, basing on the Mining Sirdar certificate. The workman has filed documents of some of the other employees, whose date of birth were changed basing on Mining Sirdar certificate. It is also found the party No. 1 (WCL) agreed to consider the correction of the date of birth of some of the employees as on 27-02.2002. However, the workman is not entitled for correction of his date of birth on the basis that party No. 1 had corrected the date of birth of some of other employees, basing on Mining Sirdar certificate, as there is no legal and reliable evidence to show that the cases of the employees, whose date of birth were corrected are similar to the case of the present workman.

13. Moreover, it is clear from the implementation instruction No. 76 that the first and foremost thing necessary for consideration of correction of date of birth of an employee is that there must be variation in records about the date of birth of the said employee. The present workman has nowhere pleaded that at the time of his joining service, he had produced the school leaving certificate, and basing on such certificate his date of birth was recorded. According to him, his age was mentioned as 20 years as on 01-03-69, in the identity card issued by Gughus colliery. On perusal of the identity card, Exhibit W-12, it is found that the same is not a genuine identity card. Admittedly, the workman joined service on 01.03.69 as a

manual worker and subsequently promoted as a dresser. If the said identity card had actually been issued on 01.03.69 by Gughus colliery, then in the said identity card, the designation of the workman should have been mentioned as manual worker and not as a dresser, category-III. The date 01.03.69 has been mentioned in exhibit W-12, just above the column meant for signature/LHT of holder, even though there is no provision for the same. It is also found that the age of the workman as mentioned in Exhibit W-12 is also not correct, as per the own claim of the workman. It also appears that the workman has put his LHT on the same instead of signing on the same, which clearly shows that the workman did not produce any school-leaving certificate at the time of his joining service.

So far the school-leaving certificate is concerned, on perusal of the original and the duplicate certificate produce by the workman, it is found that there are material differences in the name of the workman, his father's name and other particulars, which create doubt regarding the genuineness of the same. Moreover, in the school-leaving certificate, it is mentioned that the workman had passed class-IV in 1964. The certificate was issued on 29.09.77, i.e. not before the appointment of the workman. The same is also not issued by any board. It is also found that basing on such tainted school leaving certificate, the Shot Firer's certificate and Mining Sirdar certificate were obtained by the workman.

On the other hand, the documents, i.e. three "form B" registers, service excerpts, service book and Gas Testing certificate show that there was no variation of the age of the workman in the records of party No. 1. It is also necessary to mention here that after implementation of Instruction No. 76, the service excerpts, Exhibit M-6, of the workman was supplied to him and in exhibit M-6, the age of the workman was mentioned as 39 years in 1986. The workman received the service excerpts and signed the same and returned the same to the management without any objection. The workman also signed the service book, in which his age was mentioned as 39 years in 1986. The claim of the workman that in 1988 or so, when the party No. 1 prepared the records afresh, recorded his date of birth as 01.07.1947 is found not be at all correct, from the materials on record. As there was no variation in the age of the workman in the records of party No. 1, there was no question of reopening of the case of the workman. Hence, there was also no question of referring the workman to Age Assessment Committee/Medical Board constituted for the purpose to determine the date of birth. Hence, it is ordered:—

ORDER

The Action of the management of WCL, Naigaon Sub Area in not referring Sh. Pogula Chinna Rajan, Mining Sirdar to Age Assessment Committee/Medical Board Constituted for the purpose to determine the date of

birth of the workman is just, fair and legal. The workman is not entitled to any relief.

J.P. CHAND, Presiding Officer

नई दिल्ली, 30 नवम्बर, 2011

कांआ 3768.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार एसएससीपीएल के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, गोदावरीखानी के पंचाट (संदर्भ संख्या 51/2006) को प्रकाशित करती है, जो केन्द्रीय सरकार को 30/11/2011 को प्राप्त हुआ था।

[सं एल-22013/1/2011-आईआर (सी-II)]

डी० एस० एस० श्रीनिवास राव, डेस्क अधिकारी

New Delhi, the 30th November, 2011

S.O. 3768.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947) the Central Government hereby publishes the Award (Ref. No. 51/2006) of the *Indus. Tribunal-cum-Labour Court, Godavarikhani*, as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of *SCCL* and their workmen, which was received by the Central Government on 30.11.2011.

[No. L-22013/1/2011-IR(C-II)]

D.S.S. SRINIVASA RAO, Desk Officer

ANNEXURE

BEFORE THE CHAIRMAN, INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT, GODA VARIKHANI, DISTT.
KARIMNAGAR (A.P.)

Present: Sri M. Syamala Rao, BA., B.L.,
Chairman-cum-Presiding Officer.

THURSDAY, THE 17TH DAY OF NOVEMBER, 2011.

INDUSTRIAL DISPUTE NO. 51 OF 2006.

Between:

J. Venkateshwarlu, S/o. Mallaiah,
Aged about 38 years, Occ: Ex-Employee,
Jawaharnagar, Near Raghava Rao Store,
H.No. D-1127, Godavarikhani Stadium
Opp: Godavarikhani, Distt. Karimnagar.

.....Petitioner.

And

1. The Colliery Manager,
With Incline, Godavarikhani.
2. The General Manager,
Ramagundam Area-I,
Godavarikhani.

3. The Managing Director,
Singareni Collieries Co. Ltd.,
Kothagudem, Distt. Khammam.

.....Respondents.

The Industrial Dispute petition U/Sec. 2-A (2) of I.D., Act, coming on before me for final hearing on 31-10-2011, upon perusing all the documents on record and upon hearing the arguments of Sri S. Bhagavantha Rao, Advocate, for the petitioner and Sri D. Krishnamurthy, Advocate, for the respondents, having stood over for consideration till this date, the court passed the following:—

AWARD

1. This is an Industrial Dispute petition filed by the petitioner U/Sec. 2-A(2) of I.D. Act, 1947 to direct the respondents to reinstate the petitioner into service with continuity and other attendant benefits including full back wages.

2. The brief facts of the petition are that the petitioner is appointed as an employee on 29-4-1994 and discharging his duties to the fullest satisfaction of superiors till upto removal from service on 12-8-2004. The services of the petitioner are governed by various regulations of standing orders of the company.

3. And that the petitioner remained absent to duties because of ill-health. The respondents conducted an enquiry by giving charge sheet No. RG.GDK 6/R008/04/351, dt. 30-1-2004 and a show-cause notice issued dt. 13-5-2004 under the charge under 25:25 of standing orders of company is initiated against the petitioner and terminated from service. The charge of the petitioner is as follows:—

"Habitual late attendance or habitual absence from duty without sufficient cause"

4. The petitioner submitted explanation dt. 8-2-2004 and not considered and terminated from service. The petitioner has given explanation to all the stages of the case.

5. And that the charge of misconduct is a simple misconduct. The enquiry proceedings are in English only. The petitioner did not understand the proceedings in English and thereby signed on white papers without explaining the proceedings recorded by the enquiry officer. The respondents conducted a defective enquiry and the enquiry conducted is an arbitrary, illegal and against to the principles of natural justice and the petitioner prays to decide the validity of domestic enquiry as a preliminary issue. The petitioner has fallen on roads with untold problems and solves along with family and children and he preferred an appeal against the aggrieved orders of G.M., i.e. 3rd respondent as there is no response and not given any response. Thereupon he lost all hopes in the respondent company and preferred the present petition

for judicious adjudication. Therefore prays for an award as above.

6. The respondent No. 2 filed his counter denying all the allegations made in the petition. The respondent No. 1 & 3 adopted the counter of R-2 by filing a memo.

7. The brief facts of the counter Re-2 are that it is a government company incorporated under the provisions of company's Act, 1956 for carrying out the business of winning and selling the coal and that since the coal mining industry is a Central subject, the appropriate Government for this respondent/management is Central Government. The respondents submits that as per Sec. 7(a)(1) of ID Act the appropriate Government may by notification in the official gazette constitutes one or more Industrial Tribunals for the adjudication of Industrial Disputes relating to any matter whether specified in the 2nd or 3rd schedule and for performing such other functions as may be assigned to them under this Act.

8. And that the Central Government established an Industrial Tribunal-cum-Labour Court at Hyderabad from 29-12-2000 for adjudication of Industrial Disputes and the petitioner ought to have approached the said Tribunal for redressal of grievance, if any. But the petitioner conveniently avoided to file his petition before the Tribunal established by the Central Government for the reasons best known to him and the petition is not maintainable under law and the same may be dismissed on this ground alone. And the maintainability of the dispute raised by the petitioner may be decided as a preliminary issue before proceeding with the trial.

9. And that the petitioner failed to exhaust the conciliation procedure as laid down in the I.D., Act and filed present petition U/Sec. 2(A)(2) of ID Act, 1947 as amended by A.P., Amended Act, 1987 (Act No. 32/87) and that as appropriate Government for coal mining industry is a Central Government, the State amendment Act is not applicable to the respondent company and the petition filed by the petitioner is not maintainable under law and is liable to be dismissed in limini.

10. And that the petitioner was appointed in the respondents company on 21-6-1994 as Badli Filler and he had remained absent from duty on a number of days without leave or sufficient cause and put-in only 56 musters during the calendar year 2003. He was issued with a charge-sheet dt. 30-1-2004 under company's standing orders No. 25:25 which reads as "Habitual late attendance or habitual absence from duty without sufficient cause" he acknowledged the same and submitted explanation dt. 8-2-2004 which was found not satisfactory. An enquiry notice dt. 10-3-2004 was issued to him advising him to attend enquiry on 15-3-2004 along with his witnesses if any to defend his case in the enquiry. He acknowledged the enquiry notice and fully participated in the enquiry on

15-3-2004. He was given free, full and fair opportunity to defend himself in the enquiry. The procedure of enquiry was explained to the petitioner. He expressed no objection for recording the enquiry proceedings in English which are being explained to him in Telugu language to which he acquainted with. He was given opportunity to cross examine the management witnesses. The management witnesses deposed that the petitioner was charge sheeted for remaining absence for duty without sufficient cause during the year 2003. In support of their statement, the management witnesses have produced pay sheets and attendance registers for the year January, 2003 to December 2003 pertaining to the petitioner and they were verified by the enquiry officer in the presence of the petitioner and found that the petitioner was marked absence as mentioned in the charge-sheet. And that the petitioner in his statement has admitted the charge levelled against him. He stated that during the calendar year 2003, his health was not good. He was suffering from sever pain over lower lumber reasons since 1996 hence he has remained absent to duty for the dates mentioned in the charge-sheet during the period January, 2003 to December, 2003 and he did not produce any witness or documents in support of his statement. Based on the statement given by the management witnesses which was supported by the evidence produced and on voluntarily admission of guilty of the petitioner the charge levelled against him proved beyond doubt. The enquiry was conducted in accordance with principles of natural justice and this court may decide the validity of domestic enquiry as a preliminary issue and permit the respondent to lead evidence if this court comes to a conclusion that the domestic enquiry is not valid.

11. And that a show-cause notice dt. 13-5-2004 along with copies of enquiry notice and enquiry proceedings was issued on him advising him to make any representations against the contents of the enquiry proceedings and report. As he was not attending for duty the same was sent to his residential address by Regd. Post with Ack., due. He acknowledged the same, he did not submit any representation. The attendance particulars of the petitioner from the year 1999 to 2004 are furnished hereunder:—

Year	Actual Musters
1999	108
2000	103
2001	108
2002	102
2003 (charge sheeted year)	056
2004 (upto June)	013

12. And that the petitioner has failed to improve his attendance even after issuing the charge sheet also. It clearly shows that he has no interest to do work in the

respondent company. As such, the management was constrained to dismiss the petitioner from the services of the company *w.e.f.*, 12-8-2004 *vide* order dt. 9-8-2004.

13. Regarding the petitioner's ill-health, it is submitted the respondent company is carrying out mining operations, which is engaged in exploration, excavation, extractions and winning of coal in the 4 Districts of A.P., *i.e.*, Khammam, Karimnagar, Adilabad and Warangal and has a well established chain of hospitals in all its areas and also in the nearby to cater to the health requirements of its employees and their family members. It is also mandatory under the Mines Act/Regulations to maintain the hospitals that are manned by qualified medical practitioners. Also the respondent company has rules and regulations to refer the cases of complicated diseases to outside hospitals like Osmania General Hospital, Gandhi Medical hospitals and Nizams Institute of Medical Sciences and the charges are also borne by the respondent company. The petitioner fully aware of the same but did not avail the facilities. He never reported at company hospitals for treatment and sick leave.

14. And that the respondents company employees more than 83 thousand persons which includes workmen, executives and supervisors. The production results will depend upon the over all attendance and performance of each and every individual. They are inter linked and insufferable. In this regard if any one remains absence, without prior leave or without any justified cause, the work to be performed gets effected. Such unauthorised absence creates sudden void, which at times is very difficult to fill up, and there will be no proper planning and already planned schedules gets suddenly disturbed without prior notice. That is the reason why the respondents' company is compelled to take severe action against the unauthorised absentees. In the instant case the petitioner is one such unauthorised absentee having been only 56 days attendance in the year 2003 and he has not improved his attendance and work performance after issuing the charge sheet. He had put in less musters from the year 1999 onwards. With the advent and implementation of more industrial and economic policies by the Central/State Governments as well as the company, the company cannot go on employing the persons who are chronic absentees, who are a burden to the company. As such the respondents' company was constrained to dismiss the petitioner for unauthorised absenteeism *w.e.f.*, 12-8-2004 *vide* order dt. 9-8-2004. Therefore prays to dismiss the petition with costs.

15. At the time of settlement of preliminary issue, it is was settled by this Tribunal that the domestic enquiry conducted is legal, proper, valid and binding on the parties.

16. No witnesses are examined on either side, but Ex. W-1 is marked on behalf of the petitioner and Ex. M-1 to Ex. M-8 are marked on behalf of the respondents.

17. Heard both sides, perused the material papers on record.

18. Now the points that arises for consideration are:—

- (1) Whether the present petition is maintainable before this Tribunal?
- (2) Whether the charge framed against the petitioner is proved?
- (3) Whether the order of removal of the petitioner from service is justified?
- (4) To what relief the petitioner is entitled?

19. POINT NO. 1:—

It is the case of the respondents that the respondents company incorporated under the provisions of Company's Act 1956 for carrying out the business and selling the coal and since the coal mining industry is a Central subject, the appropriate Government for this respondents/management is Central Government and that as per Sec. 7A(1) of I.D., Act, the appropriate Government by may its notification the official gazette constitute one or more industrial tribunals for adjudication of industrial disputes relating to any matter whether specified in the 2nd or 3rd schedule and for performing such other functions as may be assigned to them under this Act. The respondents further submitted in their counter the Central Government established an industrial Tribunal-cum-Labour Court at Hyderabad on 29-12-2000 for adjudication of Industrial disputes and the petitioner ought to have approached the said tribunal for redressal of grievances if any. But the petitioner conveniently avoided to file his petition before the Tribunal established by the Central Government for the reasons best known to him and the petition is not maintainable under law and the same may be dismissed on the ground and this issue may be decided as preliminary issue before proceeding with the trial.

20. "Appropriate Government is described U/Sec. 2-A of the I.D., Act, 1947". According to Sec. 2-A(1) of the above Act, the Appropriate Government, by notification in the Official Gazette constitutes one or more Industrial Tribunals for adjudication of Industrial Disputes relating to any matter whether specified in 2nd or 3rd schedule. So, according to the above 2 provisions of law, this Tribunal is established. Admittedly the petition filed by the petitioner is covered by an Industrial Dispute.

21. In a case reported in 1998(5) ALD-16 (D.B) in a writ petition between U. Chinnappa Vs., Cotton Corporation of India and others; the Division Bench of our High Court held — "we will assume that in so far as the dismissed or retrenched workman is able to approach the Labour Court straight-away, the power of the Central Government to make a reference of the dispute may be whittled down protanto and in that sense there is a conflict or repugnancy with sub-section (2) of section 2(A) and Section 10(1) r/w sub-section (1) of section 2-A and Section 3 of the Act.

Even then, the Presidential assent given under Article 254(2) makes the State law prevail over the provisions of the Central law to the extent of repugnancy." It also further observed Industrial Disputes Act, 1947, Section 2-A(2) — Not confined to workmen employed in Industrial undertakings of State Government — It applies also to workmen engaged in Central Government undertakings.

22. If the plea of the respondent is considered in the light of the above case law, it falls to the ground, because, Section 2-A(2) of I.D. Act, 1947 applies both to the workmen employed in Industrial undertakings of State Government and also to the workmen engaged in Central Government undertakings.

23. In other words, it can be said it is for the workman to approach U/Sec. 2-A(2) of I.D., Act, either to the Industrial Tribunals having Central jurisdiction and also the Tribunals having State jurisdiction.

24. In view of the above, I hold that this Tribunal is having jurisdiction to decide the industrial dispute on hand and the petition filed by the petitioner is maintainable. The point is answered accordingly.

25. POINT NOS. 2 & 3:—

Since during the settlement preliminary issue it was found that the domestic enquiry is legal, proper, valid and binding on the parties, it is now the burden of the petitioner to prove that the charge framed against him is not proved from the evidence produced before the enquiry officer.

26. To substantiate the charge framed against him is not proved, the petitioner has not adduced any oral evidence except marking Ex. W-1 which is a xerox copy of dismissal order, but the respondent marked office copy of the said order as Ex. M-8, but there is no dispute with regard to dismissal of the petitioner from service. Ex. M-1 is charge sheet issued by the 1st respondent to the petitioner. In this charge sheet, the period of absence of the petitioner from January, 2003 to December, 2003 were furnished in a tabular form and the petitioner was asked to submit his written explanation to the charge. Ex. M-2 is the explanation submitted by the petitioner to the above charge sheet. In this, he stated that he met with mine accident and he has been getting treatment in the company hospital till 1998 but as he has not getting any improvement he had taken treatment from outside and further stated that while he was under treatment, he was attacked by typhoid and was on treatment at Peddapalli Govt. Hospital and the fitness certificate was also produced by him. The charge-sheet is dt. 30-1-2004. Ex. M-3 is the enquiry notice issued to the petitioner and he received the same. Ex. M-4 is the enquiry proceedings. During the examination, the petitioner pleaded guilty of misconduct as mentioned in the charge-sheet and signed on the statement. The another witness examined before the enquiry officer is A. Narayana Rao. Office

Superintendent in 1st respondent Incline. He furnished in his statement the total days of absenteeism of the petitioner from duty, during the period from January, 2003 to December, 2003. He also stated that the petitioner did not obtain any permission from the competent authority of the mine for his frequent absence nor did he inform his superiors regarding the causes of his absence during the year, 2003. Another witness is V. Ashok, Special Grade Clerk in 1st respondent incline. His statement is that the petitioner has put in only 56 actual attendance in all, during the entire calendar year 2003 and the petitioner did not obtain any prior permission from the competent authority of the mine, for his frequent absence from duties during 2003 nor did he inform his superiors regarding the causes of his absence. In the statement of the petitioner before the enquiry officer stated that he has no witnesses to depose in the enquiry and do not have documents to produce in support of his statement. He further stated in cross examination that he did not remain himself in sick list during the period of absence, but he underwent continuous treatment for his ailment from 7-2-1996 till date. His statement was recorded during the enquiry in the year 2004. He also admitted that he did not obtain prior permission from the mine officials regarding his absence during 2003 nor informed his superiors regarding the causes of his absence.

27. From the statements recorded during the enquiry from the witnesses and the petitioner, do not reveal that the petitioner do not understand the enquiry proceedings and English language as pleaded by him in his petition and that he signed on only white papers. From the statements of the departmental witnesses before the enquiry officer, is very clear that the petitioner has not put in required musters during the entire year 2003. He has not filed any piece of documents to show that he met with mine accident during the year 2003 and has been taken treatment in the respondents' company hospital till 1998. Likewise he has not filed any piece off evidence to substantiate the plea taken by him in his explanation to the charge-sheet that he was attacked by typhoid and taken treatment at Peddapalli Government hospital and produce the fitness certificate. So, from the evidence produced before the enquiry officer, it is very clearly established that the petitioner without obtaining prior sanction of leave or without any reasonable cause absented for his duties and put up only 56 musters attendance during the entire year 2003 and that he was in the habit of absents from duties frequently.

28. Ex. M-5 is the enquiry report. The findings of the enquiry officer in his report is based on the cogent reasons and the oral and documentary evidence placed before him. So, I do not find any grounds to interfere with his findings which are based on evidence.

29 After completion of enquiry a show cause notice was issued to the petitioner under Ex. M-6 and he received the same under Ex. M-7. The petitioner has not produced

any evidence to show that he gave any explanation to the show cause notice.

But to consider the punishment awarded to the petitioner whether it is proportionate to the charges proved against the petitioner are not, admittedly there are no documents filed by the respondent to show that the petitioner is habituated in committing misconducts mentioned in the charge. So, it can be rightly said this is the first time, the petitioner committing such misconduct. The respondent has not filed the S.R., of the petitioner to show that the petitioner was inflicted with any previous punishments. In these circumstances, I am under the considered opinion, removal of the petitioner from service for the first misconduct committed by the petitioner is not proportionate to the irregularity committed by the petitioner for the first time in his service. As such, I hold the removal of the petitioner from service is not justified.

30. In the light of above foregoing discussion, I hold that the charge framed against the petitioner is proved and the punishment of the petitioner removing from service is not justified and not in proportionate with the misconduct committed by the petitioner. The points are answered accordingly.

POINT NO. 4:—

In view of my findings on Point Nos. 2 & 3, I am under considered opinion and thereby hold the punishment of removal from service needs a little modification so as to do justice to the petitioner since this is the first irregularity/misconduct in his service, committed by him.

Therefore, the order of removal of the petitioner from service is modified, directing the respondent to appoint him as "Fresh" candidate as Badli Filler for which relief the petitioner is entitled. The point is answered accordingly.

32. In the result, the petition is partly allowed by modifying the punishment of removal of the petitioner from service, into appointing him as a "Fresh" candidate as Badli Filler. Therefore, the respondents are directed to appoint the petitioner as a "Fresh" candidate as Badli Filler, within one month from the date of Gazette publication of this award. In the circumstances, each party do bear their own costs.

Typed to my dictation directly by Typist, corrected and pronounced by me in the open court on this, the 17th day of November, 2011.

M. SYAMALA RAO, Chairman-cum-
Presiding Officer

Appendix of Evidence Witnesses Examined

For workman:—

For Management:—

-Nil-

-Nil-

EXHIBITS

For workman:—

Ex. W-1 Dt. 09-08-2004 Dismissal order — xerox copy.

For Management:—

Ex. M-1 Dt. 30-01-2004 Charge sheet

Ex. M-2 Dt. 08-02-2004 Explanation to charge sheet

Ex. M-3 Dt. 10-03-2004 Enquiry notice o/c

Ex. M-4 Dt. 15-03-2004 Enquiry proceedings

Ex. M-5 Dt. 03-05-2004 Enquiry report

Ex. M-6 Dt. 13-05-2004 Show cause notice

Ex. M-7 Dt. 17-05-2004 Postal acknowledgement

Ex. M-8 Dt. 09-08-2004 Dismissal order o/c.

नई दिल्ली, 30 नवम्बर, 2011

का० आ० 3769.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार डब्ल्यू.सी.एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नागपुर के पंचाट (संदर्भ संख्या 14/2006) को प्रकाशित करती है जो केन्द्रीय सरकार को 30-11-2011 को प्राप्त हुआ था।

[सं० एल-22012/25/2003-आई आर (सीएम-II)]

डीएसएस श्रीनिवास राव, डेस्क अधिकारी

New Delhi, the 30th November, 2011

S.O. 3769.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 14/2006) of the Central Government Industrial Tribunal-cum-Labour Court, NAGPUR now as shown in the Annexure in the Industrial Dispute between the management of Murpar Project of (Umrer Area) of WCL, WCL Contractor, Singhnagar, Dahegaon, and their workmen, received by the Central Government on 30/11/2011.

[No. L-22012/25/2003-IR (CM-II)]

D.S.S. SRINIVASARAO, Desk Officer

ANNEXURE

BEFORE SHRI J.P. CHAND, PRESIDING OFFICER,
CGIT-CUM-LABOUR COURT, NAGPUR

Case No. CGIT/NGP/14/2006

Date: 16.11.2011.

Party No. 1(a) : The Sub Area Manager,
Murpar Project of (Umrer Area) of WCL,
Post-Khadsanghi, Tah.-Chimur,
Distt. Chandrapur (M.S.)

(b): M/s. Singh & Sons,
WCL Contractor,
Singhnagar, Dahegaon,
Chhindwara Road, Distt. Nagpur (M.S.)

Versus

Party No. 2 : Sh. Manbahaddur
S/o. Sh. Kamarbahaddur Singh,
R/o. Murpar, Post-Khadsanghi,
Tah. Chimur, Distt.-Chandrapur (M.S.)

AWARD

(Dated: 16th November, 2011)

In exercise of the powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of section 10 of Industrial Disputes Act, 1947 (14 of 1947) ("the Act" in short), the Central Government has referred the industrial dispute between the employers, in relation to the management of Murpar project (Umrer Area) of WCL and Shri Manbahaddur S/o. Shri Kamarbahaddur Singh, for adjudication, as per letter No. L-22012/25/2003-IR (CM-II) dated 21.03.2006, with the following schedule:—

"Whether the action of the management of WCL and M/s. Singh & Sons Contractor of WCL in terminating the services of Shri Manbahaddur S/o. Sh. Kamarbahaddur Singh is legal and justified? If not, to what relief he is entitled?"

2. On receipt of the reference, the parties were noticed to file their respective statement of claim and written statement and accordingly, the workman Sh. Manbahaddur S/o. Sh. Kamarbahaddur Singh, ("the workman" in short) filed his statement of claim and the management of Murpar Project (Umrer Area) of WCL (here-in-after referred to as "the Party No. 1") filed its written statement.

The case of the claimant is that there is a coal mine at Murpar, which is known as "W.C. Ltd. Murpar Project" and the same is under the control and supervision of party no. 1 (a) i.e. Sub-Area Manager, Murpar Project and party no. 1 (a) engaged M/s. Bharat Gold Mines Ltd., Karnataka for the purpose of preparing underground road upto the border of coal for the said coal mine and the contract of the said work was from 1992 to 1996 and the party no. 1 (a) also engaged party no. 1 (b), M/s. Singh & Sons in its work w.e.f. 05.01.1997 and till party no. 1 (b) is working with party no. 1 (a) for the purpose of preparing the underground roads for functioning of the said coal mine and he was engaged by M/s. Bharat Gold Mines Ltd., Karnataka as a pump khalasi on 17.10.1993 and he continued to work till 02.07.1996 and thereafter, his services were utilized by party no. 1 (b) w.e.f. 01.01.1997 continuously till 28.12.2001 and party no. 1 (a) sent him for vocational training from time to time and he had undergone the said training successfully and as such, he is a workman/employee of party no. 1 (a) and party no. 1 (a) is the principal employer and his

appointment by both the contractors was oral and the party no. 1 (b) terminated his services orally *w.e.f.* 29.12.2001 and he had worked for more than 240 days preceding to his termination and while terminating his services, mandatory provisions of section 25-F of the Act were not complied with and neither one month's notice nor one month's wages in lieu of notice nor retrenchment compensation was paid to him by parties no. 1 (a) and (b) and as such termination of his services is illegal and though at the time of his termination, more than 700 workers were working with parties no. 1 (a) and (b), they did not prepare and publish final seniority list of all the workers including himself, at least seven days prior to the termination, as provided under Rule 77 of the Industrial Disputes (Central) Rules, 1957 and there was no compliance of section 25-G of the Act and the termination of his services amounted to retrenchment and at the time of his retrenchment, plenty of work was available and now also, plenty of work is available with parties no. 1 (a) and 1 (b), but they did not re-employ him in violation of section 25-H of the Act. It is further pleaded by the claimant that he alongwith other workers had submitted charter of various demand to the parties no. 1 (a) and 1 (b) but they did not fulfill the same and for that a dispute was pending before the ALC (C) Chandrapur and for the said reason, his services with many other workers were terminated and wages for December 2001 was not paid to him and as party no. 1 was the principal employer and party no. 1 (b) was the contractor of party no. 1 (a), for each and every act of the party no. 1 (b), the party no. 1 (a) was responsible and as such the party no. 1 (a) is responsible for his illegal termination. The Workman has prayed for his reinstatement in service with continuity and full back wages.

3. The party no. 1 (a) resisted the claim by filing its written statement. It is necessary to mention here that inspite of notice, party no. 1 (b) neither appeared in the case nor contested the claim.

In its written statement, the party no. 1 (a) has pleaded *inter-alia* that it had entered into a contract with M/s. Bharat Gold Mines Limited for carrying out open excavation, for construction of a pair of inclines and inclined shaft sinking in the coal mine of Murpar Project and as per the terms of contract, the open excavation work was to be completed within a period of 3 1/2 months and the incline shaft drive within eight months and it also awarded another contract to party no. 1 (b) for construction of drive of a pair of incline shaft through sedimentary rocks like sand stone from seam VII to seam V at Murpar project of which the date of commencement and completion were 01.01.1997 and 28.02.1998 respectively and after a gap of 15 months, another contract was given to party no. 1 (b) for construction of drive of incline shaft at Murpar project and the dates of commencement and completion of the said contract were 29.05.1999 and 01.12.2001 respectively and it [party no. 1 (a)] was related to party no. 1 (b) only as per the terms of contract and it was not at all responsible

for providing employees to the contractors and it was the duty of the contracts to appoint the employees as per their need. It is further pleaded by the party no. 1 (a) that as per the provisions of the Mines Act, every person, whether employed by the principal employer or the contractor, whether in a casual capacity or in permanent capacity, to work in an underground mine, is required to be imparted vocational training by the principal employer and the cost of the training is borne by the contractor concerned and the engagement of the labourers was the job of the contractor and it was no way involved in the matter and no document has been produced by the workman to show that he was appointed by it and the contractor had appointed the workman till the completion of the contract and the documents filed by the workman show that he was appointed by party no. 1 (b) for contract works at Murpar project, as a temporary contingent labour in the project and in view of the principles enunciated by the Hon'ble Apex Court in the case of *State of Karnataka Vs. Umadevi, Union Public Service Commission Vs. Girish Jayanti* [2006 (2) SCALE 115] and many others, the workman is not intitled for regularization or reinstatement in service as he was a temporary workman.

The further case of party no. 1 (a) is that it has been entering into various contracts with various persons and each and every contract is an independent contract, which cannot be clubbed with each other and there was no nexus between the contract given to M/s. Bharat Gold Mines Ltd. and the contract given to party no. 1 (b), as they were of having different legal entities and if they had engaged the same workman for doing separate works, the workman did not become permanent or entitle for regularization and there was never any relationship of employer and employee between it and the workman and he was never in its employment and as such, there was no question of compliance of the principles of section 25-F, 25-G or H of the Act or payment of wages by it to the workman and the workman is not entitled for any relief.

4. It is necessary to mention here that though the applicant had filed his own evidence on affidavit in support of his claim, subsequently, he did not appear to face the cross-examination. Management also remained absent. As both the parties remained absent and non appears on behalf of either of the parties, the case was closed on 25.10.2011 and was posted for award.

5. It is well settled that if a party challenges the legality of an order, the burden lies upon him to prove illegality of the order and if no evidence is produced, the party invoking the jurisdiction of the court must fail. Whenever, a workman raises a dispute challenging the validity of termination of service, it is imperative for him to file written statement of claim before the Industrial Tribunal, setting out grounds, on which the order is challenged and he also must produce evidence to prove his case. If the workman fails to appear

or produce evidence, the dispute referred by the Government cannot be answered in favour of the workman and he would not be entitled to any relief.

In this case, though the claimant had filed the statement of claim, he failed to appear or to produce evidence to prove his case. Hence it is found that the claimant has failed to prove his case and therefore, he is not entitled to any relief. Hence, it is ordered:—

ORDER

The reference is answered against the claimant and the claimant, Shri Manbahaddur Singh is not entitled for any relief.

J.P. CHAND, Presiding Officer

नई दिल्ली, 30 नवम्बर, 2011

का०आ० 3770.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एफसीआई के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण संख्या 1, धनबाद के पंचाट (संदर्भ संख्या 1/2009) को प्रकाशित करती है, जो केन्द्रीय सरकार को 15/11/2011 को प्राप्त हुआ था।

[सं० एल-22013/1/2011-आईआर (सी-II)]
डी०एस०एस० श्रीनिवास राव, डेस्क अधिकारी

New Delhi, the 30th November, 2011

S.O. 3770.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Complaint No. 1/2009) of the *Central Government Indus. Tribunal-cum-Labour Court No. 1, Dhanbad* as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of *FCI* and their workmen, which was received by the Central Government on 30.11.2011.

[No. L-22013/1/2011-IR(C-II)]
D.S.S. SRINIVASA RAO, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL NO. 1 AT DHANBAD

In the matter of a Complaint Under Sec. 33A of the
I.D. Act, 1947.

Complaint No. 1 of 2009.

Vijayendra Kumar, AGII(Depot), Food Corporation of India,
District Office, GayaComplainant.

VS.

1. The Executive Director (East Zone).

Food Corporation of India,
10A Middleton Row, Kolkata-71.

2. The General Manager,

Food Corporation of India,
Arunachal Building,
Exhibition Road, Patna.

3. The Area Manager,

Food Corporation of India,
Permanand Niketan

North of Gandhi Maidan, Gaya. Opp. Parties.

Present: Shri H.M. Singh,

Presiding Officer.

Appearances:

For the Complainant : Shri Vijayendra Kumar.

For the Opp. Party : None.

State: Bihar.

Industry: Food.

Dated. the 8.11.2011.

AWARD

On 19.7.2011 Shri Vijayendra Kumar, the complainant, appearing in this case filed a petition stating that he wants to withdraw the case, as the matter has already been settled by the management.

In such circumstances, I pass a 'NO DISPUTE' Award in this case.

H.M. SINGH, Presiding Officer.

नई दिल्ली, 30 नवम्बर, 2011

का०आ० 3771.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एफसीसीआई के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, हैदराबाद के पंचाट (संदर्भ संख्या 56/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 30-11-2011 को प्राप्त हुआ था।

[सं० एल-22012/299/2004-आई आर (सीएम-II)]
डी०एस०एस० श्रीनिवास राव, डेस्क अधिकारी

New Delhi, the 30th November, 2011

S.O. 3771.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award Ref. 56/2005 of the *Cent. Govt. Indus. Tribunal-cum-Labour Court, Hyderabad* as shown in the Annexure, in the industrial

disputes between the management of *M/s. Singareni Collieries Co. Ltd.*, and their workmen, received by the Central Government on 30.11.2011.

[No. L-22012/299/2004-IR (CM-II)]
D.S.S. SRINIVASA RAO, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT HYDERABAD

Present: Shri Ved Prakash Gaur
Presiding Officer

Dated, the 26th September, 2011

INDUSTRIAL DISPUTE NO. 56/2005

Between:

The General Secretary,
(Sri Bandari Satyanarayana),
Singareni Collieries Employees Council (INTUC),
BCH 30, Vittal Nagar,
Godavarikhani-505209.

.....Petitioner

AND

The General Manager,
M/s. Singareni Collieries Company Ltd.,
Sreerampur Division,
Sreerampur-504303.

.....Respondent

Appearances:

For the Petitioner : *M/s. A. Sarojana, K. Vasudeva Reddy & V. Purnachandar Rao*,
Advocates

For the Respondent : *M/s. P.A. V.V.S. Sarma & Vijaya Lakshmi Panguluri*,
Advocates

AWARD

This claim petition has been registered on the basis of reference received from the Government of India, Ministry of Labour by its order No. L-22012/299/2004-IR(M), dated 4.8.2005 under section 10 (1) (d) of the I.D. Act, 1947 for adjudication to this Tribunal between the management of *M/s. Singareni Collieries Company Ltd.*, and their workman. The terms of reference is,

SCHEDULE

"Whether the action of management of *M/s. Singareni Collieries Company Ltd.*, Sreerampur Division in dismissing Sh. Boya Chandraiah, Badli Coal Filler from services is legal and justified? If not, to what relief he is entitled?"

On the receipt of this reference notices were issued to the parties calling upon the parties to file their respective claims.

2. It has been stated by the Petitioner union that workman Sri Boya Chandraiah was appointed on compassionate grounds as badli filler on 15.4.1994. However, during the year 1999 while working at RK-8 incline, he became sick and was under treatment due to which he could not be regular to his duties. Without considering the man days workman spent on sickness treating those musters as absenteeism a charge sheet dated 26.2.1997 was issued to him alleging therein that workman was absent during the year 1997 without sufficient cause which amounts to misconduct under company's Standing Orders No. 25.25 and 25.31. Consequently an enquiry was conducted with a pre-determined notion. It has further been alleged that during course of enquiry proper opportunity was not given to the Petitioner. Enquiry was conducted lopsided and Enquiry Officer submitted his report on erroneous materials and by order dated 1.10.1997 the services of the Petitioner were terminated with immediate effect.

3. It has further been alleged that Petitioner remained absent due to sickness and he could not attend to his duty. He challenged the enquiry proceeding, order of dismissal alleging that it is arbitrary, unjust, disproportionate and illegal and hence, he has filed this petition.

4. Management has submitted his reply alleging therein that Petitioner remained absent for the year 1996 which hampered the working of the company, the absence of the Petitioner was without any sufficient cause which is grave misconduct within the Standing Orders 25.25 of the company and dismissal is not bad. Petitioner's contention that he was not afforded proper opportunity is incorrect. Due notices were given to the Petitioner to participate in the enquiry proceeding and he participated in the enquiry proceeding. Petitioner did not avail the assistance of co-worker though he was given opportunity to take the help of a co-worker. Petitioner did not produce any sickness proof, thus he failed to produce any documentary evidence before the Enquiry Officer. Petitioner had put in 63, 17, Nil and 14 actual musters during the years 1994, 1995, 1996 (Charge sheets year) and 1997 respectively. During the entire year 1996 he remained absent. This proves that the Petitioner was not sincere to his work. He intentionally absented himself without any reason or cause. The company has provided medical facilities by establishing hospitals to its employees, the Petitioner did not report to the company hospital for his treatment thus, his submission that he was absent due to ill-health is unfounded. Enquiry Officer has given his finding on the material placed before him by the management and no fault can be found in the enquiry report, it is based on evidence and Petitioner's dismissal order is proportionate to the misconduct committed by him since Petitioner was not regular to his duties company has dismissed him which is neither illegal

nor invalid. Hence, the petition be dismissed as devoid of merits.

5. Parties were directed to produce documentary evidence in support of their claims. Petitioner has not filed any document. However, the Respondent has filed charge sheet and acknowledgement, enquiry notices and acknowledgements, entire domestic enquiry proceedings file and enquiry report, show cause notice, explanation to show cause notice and dismissal order.

6. Coming to the point of the legality and validity of domestic enquiry held by the management it is pertinent to mention that Learned Counsel for the Petitioner moved memo dated 10.11.2008 conceding the validity and legality of the domestic enquiry as such, the domestic enquiry was held to be legal and valid.

7. Both parties submitted oral arguments and counsel for Petitioner submitted written arguments. I have heard counsels for the parties and have gone through the claim petition, counter statement and documents filed by the parties.

8. It has been argued by the Learned Counsel for the Petitioner that Petitioner was absent due to his ill-health. He presented himself before the Enquiry Officer and stated before him that he was sick that was the reason that he could not attend to his duties. The Enquiry Officer has not considered this material aspect of the case nor has applied his mind to the fact of the case nor he gave any finding regarding the sickness of the workman, thus, the finding of the Enquiry Officer is perverse and the punishment based on such perverse finding is also illegal and invalid and deserves to be quashed. Against this argument of the counsel for the Petitioner, Learned Counsel for the Respondent management has argued that Petitioner could not produce any proof in support of his sickness nor he has produced any witness in his defence. Moreover, Petitioner has admitted his guilt stating that he remained absent on the dates mentioned in the charge sheet, as such, the enquiry held is neither perverse nor illegal.

9. In view of the arguments, this tribunal has to see,

- (I) Whether the action of the management of M/s. Singareni Collieries Company Ltd., Sreerampur Division, in dismissing Sh. Boya Chandraiah, Badli Coal Filler from services is legal and justified?
- (II) Whether the punishment imposed upon the Petitioner is disproportionate to the misconduct committed by the Petitioner?

10. **Point No. (I):** It is admitted fact that the Petitioner has put in nil musters during the year 1996 for which a charge sheet dated 26.2.1997 was issued to the Petitioner against which the Petitioner filed his explanation stating therein that he remained absent from 20.8.95 to 25.2.97 due to ill-health. It is also admitted fact that domestic enquiry

was conducted and Petitioner has participated in the domestic enquiry. On the basis of the report submitted by the Enquiry Officer dismissal order has been passed against the Petitioner. Petitioner's statement was recorded by the Enquiry Officer and during the course of the enquiry he stated that he remained absent due to T.B. But has not been able to provide any material or document before the Enquiry Officer to substantiate his allegations. In his reply dated 1.3.97 he has not mentioned from what disease he suffered and where did he took treatment. He simply written that he could not perform his duty do to his suffering from ill-health. As against this, the management has produced Sri V. Sharat Babu, Pit Office Assistant and Sri Bala Rajesham, Officiating Clerk, to prove that Petitioner remained absent without any leave or without any intimation during the year 1996. Since absence of the Petitioner was admitted by the Petitioner himself it was the sole duty of the Petitioner to prove that his absence was due to any cogent reason or sufficient cause. Petitioner was unable to prove that his absence during the year 1996 was due to sufficient reason. Though he stated that he was absent due to ill-health but he was not able to provide any evidence or proof in support of his illness or illness of any of his family members. Even if it is presumed that Petitioner remained absent due to the ill-health why he did not inform his superiors regarding his illness, has not been explained by the Petitioner. Thus, the finding of the Enquiry Officer that Petitioner's absence during the year 1996 was without reason and sufficient cause, is based on evidence and reasoning and no fault can be find in the finding arrived at by the Enquiry Officer.

11. This tribunal is also of the opinion that the Petitioner remained absent without any intimation to his employer during the year 1996, his absence was without any reasonable or sufficient cause and thereby the Petitioner has committed misconduct mentioned in para 25.25 of the Standing Orders of the company. Point No. 1 is decided accordingly.

12. **Point No. 2:** So far as the question of punishment is concerned the Petitioner has not been able to justify his absence during the year 1996, he has voluntarily admitted before the Enquiry Officer that he remained absent during 1996. As absence without reasonable or sufficient cause is a grave misconduct, management has not committed any mistake in passing the punishment of dismissal against the Petitioner. The Learned Counsel for the Petitioner has argued that the Petitioner's family is starving due to dismissal of the Petitioner against which Learned Counsel for the Respondent has argued that Petitioner himself is responsible for the starvation of the family members, the Petitioner was a unwilling worker who has not cared to perform his duties with sincerity as such, the punishment was proper and interference is not required in this case.

13. I agree with the argument of the Learned Counsel for the Respondent and I am also of the considered opinion that the punishment imposed on the Petitioner is neither excessive nor disproportionate and Petitioner is not a deserving person for any lenient view to be taken in favour of the Petitioner. The Petitioner himself is responsible for the starvation of his family members, no interference is required in the matter of the punishment. Point No. 2 is decided accordingly.

14. From the above discussion, this tribunal is of the considered opinion that the action of the management of M/s. Singareni Collieries Company Ltd., Sreerampur Division, in dismissing Sh. Boya Chandraiah, Badli Coal Filler from services is legal and justified and no interference is required in this case. Petitioner is not entitled for any relief and hence, this award.

Award passed accordingly. Transmit.

Dictated to Smt. P. Phani Gowri, Personal Assistant transcribed by her corrected by me on this the 26th day of September, 2011.

VED PRAKASH GAUR, Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner	Witnesses examined for the Respondent
NIL	NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 30 नवम्बर, 2011

का.आ. 3772.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सी.सी. लिमिटेड एवं के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, धनबाद नं० 1 के पंचाट (संदर्भ संख्या 86/1996) को प्रकाशित करती है, जो केन्द्रीय सरकार को 29-11-2011 को प्राप्त हुआ था।

[सं० एल-20012/326/1995-आईआर(सी-1)]

डी०एस०एस० श्रीनिवास राव, डेस्क अधिकारी

New Delhi, the 30th November, 2011

S.O. 3772.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 86/1996) of the Central Government Industrial Tribunal-cum-Labour Court-1, DHANBAD, as shown in the Annexure in the Industrial Dispute between the employers in relation

to the management of M/s. C.C. Ltd., and their workman, which was received by the Central Government on 30.11.2011.

[No. L-20012/326/1995-IR(C-1)]

D.S.S. SRINIVASA RAO, Desk Officer

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL NO. 1, DHANBAD**

In the matter of a reference U/S. 10(1) (d) (2A) of the Industrial Disputes Act, 1947.

Reference No. 86 of 1996.

Parties:

Employers in relation to the management of Ara Colliery of M/s.C.C. Ltd.

AND

Their workmen

Present : Shri H.M. Singh,
Presiding Officer

Appearances:

For the Employers : Shri B.M. Prasad, Advocate.

For the Workman : Shri U.N. Lal, Advocate.

State : Jharkhand

Industry : Coal.

Dated, the 22.11.2011.

AWARD

By order No. L-20012/326/95-IR (Coal-I), dated 11.10.1996 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal:

"Whether the action of the management of Ara Colliery of M/s. C.C.L. in dismissing Shri Ram Sahay Rabidas from the services of the company w.e.f. 29-3-1994 is justified? If not, to what relief is the said workman entitled?

2. The case of the concerned workman is that he was permanent employee of Arra Colliery of M/s. CCL. He was charge-sheeted by the management vide Charge-sheet dated 22.4.1993. He replied to the charge-sheet denying the allegation. Thereafter departmental enquiry was constituted by the management. The Enquiry Officer conducted the enquiry in utter violation of principles of natural justice. A criminal case was pending in respect of the same allegation and as such the concerned workman filed an application before the Enquiry Officer for staying the departmental enquiry till the disposal of the criminal

case. The Enquiry Officer did not consider his application for staying the departmental enquiry till the disposal of the criminal case, rather he conducted the enquiry. The Enquiry Officer acted as a prosecutor as well as a Judge in the present case. He did not allow the concerned workman to enter into the defence. The management's representative cross-examined the workman concerned in the departmental enquiry without his examination-in-chief. The Enquiry Officer after the cross-examination of the workman concerned again allowed the management's representative to adduce his evidence. The enquiry conducted by the Enquiry Officer is not fair and proper. The Enquiry Officer did not supply the enquiry proceeding and enquiry report to the workman concerned. The management lodged an F.I.R. regarding the theft of detonators, but not named the name of the concerned workman in the F.I.R. The Security Personnels of the management searched the house of the concerned workman on the alleged date of occurrence and nothing has been recovered from the possession of the concerned workman, as such the allegation levelled against the concerned workman is false, baseless and fabricated and the dismissal of the concerned workman on the basis of the said charges is liable to the set aside. The Enquiry Officer has not considered the aforesaid two facts that the management have not given the name of the concerned workman in the F.I.R. which is the first version of the management. Second nothing has been recovered from the possession of the concerned workman and on that score the dismissal is bad in law. The disciplinary authority also did not supply the copy of the enquiry proceeding and the report to the concerned workman before dismissal of the concerned workman. The report of the Enquiry Officer is perverse and the dismissal of the concerned workman is not justified.

It has been prayed that the Hon'ble Tribunal be pleased to pass an award holding that the dismissal of the concerned workman is not justified and further be pleased to direct the management to reinstate him with full back wages and other benefits.

3. The case of the management that on 20.4.93 the concerned workman was on duty in 1st shift at the magazine of No. 1 underground mine in the capacity of magazine clerk. It was his duty and responsibility to properly store the explosives cartridges and detonators at the magazine and to maintain proper account of explosive and detonators. On that date during his first shift he sold away 10 detonators and 9 explosive cartridges of soligex made to one Mangal Mahato, General Mazdoor Category-I and the said materials were recovered from the possession of Mangal Mahato while he was leaving out of the colliery premises in suspicious manner. He was intercepted by the security personnel and on search from his person it was observed that he was carrying 10 detonators and 9 explosive cartridges. He admitted before the security personnel that he obtained the aforesaid detonators and

cartridges from the concerned workman, Ram Sahay Rabidas, who handed over those materials to him from the magazine in the 1st shift on 20.4.93. On the basis of the confessional statement made by Mangal Mahato, a FIR was lodged and the Police arrested Mangal Mahato and the concerned workman and they were taken into police custody and criminal case was instituted against them for commission of theft and misappropriation of the company's materials. The management issued a charge-sheet dated 22.4.93 to the concerned workman for commission of the misconduct of theft, fraud and dishonesty in connection with company's property. The concerned workman submitted his reply dated 12.7.94 denying the allegation against him. Thereafter the management appointed Sri R.B. Sengupta, Colliery Manager as Enquiry Officer to hold departmental enquiry and Shri I.B. Sahay, Senior Under Manager was appointed as the management's representative. The Enquiry Officer fixed the date of enquiry on 4.8.93 and issued the notice of enquiry to the concerned workman with a copy to the management's representative. The concerned workman appeared before him on 4.8.93 and prayed for adjournment of the enquiry which was accepted and the enquiry was fixed on 10.8.93. The enquiry was conducted on 10.08.93, 13.8.93 and 26.8.93 in the presence of the concerned workman and his co-worker, Naresh Prasad. The management's witnesses were examined and the concerned workman and his co-worker were given full opportunity to cross-examine the management's witnesses. They did not raise any objection against the enquiry officer. After holding enquiry the Enquiry Officer submitted his report holding the concerned work guilty of the misconduct charged against him. The enquiry was held fairly and properly in accordance with the principles of natural justice. The enquiry proceedings, enquiry report and all other relevant papers were examined by the competent authorities and due approval was obtained from the General Manager for dismissal of the concerned workman. After obtaining necessary approval the services of the concerned workman were terminated for commission of the aforesaid misconduct by order dated 26/29.3.94.

Under the facts and circumstances, it has been prayed that the Hon'ble Tribunal be pleased to hold that the action of the management in terminating the services of the concerned workman was legal, valid and justified and he is not entitled to any relief.

4. Both the parties have filed their respective rejoinders admitting and denying the contents of some of the paragraphs of each other's written statement.

5. The enquiry was found to be fair and proper *vide* order dated 6.11.2011.

6. On behalf of the workman WW-1, Naresh Prasad, has stated in affidavit in support of his written statement.

7. The management produced MW-1, Rashbihari Sengupta.

The concerned workman produced documents which have been marked as Exts. W-1 to W-7.

The management also produced documents which have been marked as Exts. M-1 to M-6.

8. Main argument advanced on behalf of the concerned workman is that his name was not found in the F.I.R. which is the first version of the management.

Another argument advanced on behalf of the concerned workman is that nothing has been recovered from the possession of the concerned workman, though the security personnels of the management searched his house, so he was falsely implicated and false charge-sheet was issued and he was illegally dismissed by the management.

Another argument advanced on behalf of the concerned workman is that a criminal case was pending in the same matter, as such, he gave an application to the management for staying the proceeding of the departmental enquiry till the disposal of the criminal trial. But it has not been done which is illegal.

Another argument advanced on behalf of the concerned workman is that no second show cause notice was given before dismissal, so the dismissal order is illegal and he may be reinstated in service.

In this respect on behalf of the concerned workman it was argued that he was acquitted from criminal court in which F.I.R. was lodged against him.

9. The management's representative argued that acquittal in criminal case was not bar disciplinary proceeding.

Another argument advanced on behalf of the management is that there is no law that departmental enquiry be stayed till conclusion of criminal trial.

Management's representative argued that the concerned workman was charge-sheeted for theft of detonators and explosive cartridges. When he gave the name of another person, Mangal Mahato, on search the security personnel recovered from him detonators and explosive cartridge and he admitted that the concerned workman handed over those materials to him.

10. The documents which have been filed by the concerned workman, Ext. W-1 shows that he had given application before the Enquiry Officer to stay the enquiry proceeding till disposal of the criminal trial, but it has not been done which is against the rule.

Another argument advanced on behalf of the concerned workman is that he was acquitted of the charges by the Criminal Court, as per Ext. W-7 by 2nd Addl. Session Judge, Hazaribagh 18.12.99. In the judgement it was found

by the 2nd Addl. Judge that five prosecution witnesses have been examined, but they have not shown to be aware about the complicity against the concerned workman. So, it shows that none of the prosecution witnesses has named of the concerned workman against complicity. The concerned workman was acquitted of the charges by the criminal court *vide* order dated 18.12.99. This ground is sufficient ground that the concerned workman was falsely implicated by the management which gives stronger supposedly that his name was not mentioned in F.I.R. by the recovery of alleged theft.

11. Management's witness MW-1, Rashbihari Sengupta stated in his examination-in-chief that in this case only the photo copies of the documents relating to the enquiry proceeding have been filed as the original documents were found to be traceless and despite search those could not be traced out. It only shows that no enquiry was conducted. So, it can be said that proper opportunity was not given to the concerned workman in the domestic enquiry. Moreover, final order passed by the management, Ext. M-6 shows that he was not given second show cause before passing final order which is against law, as per law laid down in current Labour Report (SC) 1991 page 61 in which Hon'ble Supreme Court held that supply of a copy of the inquiry report along with recommendations, if any, in the matter of proposed punishment to be inflicted would be within the rules of natural justice and the delinquent would therefore be entitled to the supply of a copy thereof.

12. The concerned workman died on 21.2.2003 and his son, Surajdeo Ram has been substituted in the instant case.

13. As the concerned workman was dismissed from service without proving the case for theft against him and he was honourably acquitted by the criminal court.

14. The management's witness, MW-1, has clearly stated that only on the basis of photo copies of document enquiry proceeding has been held, so the action of the management in dismissing the concerned workman is not justified.

15. In the result, I hold that the action of the management of Ara Colliery of M/s. C.C.L. in dismissing Sri Ram Sahay Rabidas from the services of the company *w.e.f.* 29.3.1994 is not justified and the concerned workman is entitled to be reinstated in service with 75% back wages and other consequential benefits from the date of his dismissal *i.e.* 29.3.1994 till his death *i.e.* 21.2.2003. The management is directed to implement the award within 30 days from the date of publication of the award.

This is my Award.

H.M. SINGH, Presiding Officer

नई दिल्ली, 30 नवम्बर, 2011

का.आ. 3773.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार सेन्ट्रल बैंक ऑफ इंडिया के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, कोलकाता के पंचाट (संदर्भ संख्या 01/2004) को प्रकाशित करती है जो केन्द्रीय सरकार को 21-09-2011 को प्राप्त हुआ था।

[सं. एल-12025/1/2010-आई आर (बी-II)]
शीश राम, अनुभाग अधिकारी

New Delhi, 30th November, 2011

S.O. 3773.—In pursuance of Section 17 of the Industrial Disputes Act, 1947, the Central Government hereby publishes the Award (*Ref. No. 01/2004*) of the *Central Government Industrial Tribunal/Labour Court, KOLKATA* now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of *CENTRAL BANK OF INDIA* and their workman, which was received by the Central Government on 21.09.2011.

[No. L-12025/1/2010-IR(B-II)]
SHEESH RAM, Section Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL
AT KOLKATA

Misc. Application No. 01 of 2004

U/S. 33A of the I.D. Act, 1947

(Arising out of Reference No. 32 of 2003)

Parties:

General Secretary,
All Bank Canteen Employees Union,
Central Bank of India,
Zonal Office Staff Canteen (3rd Floor),
33, N.S. Road, Kolkata-700001.

...Applicant

Vs.

The General Manager,
Central Bank of India,
Zonal Office,
33, N.S. Road,
Kolkata-700001.

...Opp. Parties

Present: Justice Manik Mohan Sarkar, Presiding Officer.

Appearance:

On behalf of the Mr. G. Varalakshmi, Advocate.

Applicant:

On behalf of the Mr. G.C. Chakraborty, Advocate.

Opp. Party:

Industry: Banking.

Dated: 4th August, 2011.

AWARD

Present matter emerges out of an application under Section 33A of the Industrial Disputes Act, 1947 during the pendency of one reference being Reference No. 32 of 2003 in this Tribunal.

2. Applicant's case is that a reference is pending before this Tribunal over the issue of claim for regularization of the service of 14 canteen staff of the Central Bank of India at its Zonal Office in Kolkata. During the pendency of the said reference, out of grudge, the management Bank was trying to curtail many existing facilities of the canteen employees involved in the industrial dispute in the above stated reference. Said canteen staffs are engaged at the Zonal Office Canteen at the Bank's office at Third Floor, 33 N.S. Road, Kolkata and there was a practice for a long time to supply three sets of uniforms and one pair of shoes in every alternative year (in every two years) for each canteen worker of the Bank. They got supply of uniform and shoes in the month of January, 2002 and March, 2003 respectively. Supply of new sets of uniform and shoes became due for supply since old uniform issued earlier got torn and colour became fade and, thus, became out of use though the canteen staff are using the same with much difficulties. The canteen employees are most ill-paid employees of the Bank and so they have been demanding pay and emoluments equal to the lowest category employees of the Bank viz. Class-IV employees of the Bank and also other facilities available to them. Besides assurance to that effect, nothing has been done in that regard and therefore, management Bank has been denying justice to the canteen employees. For redress in this regard the canteen employees raised an industrial dispute and Reference No. 32 of 2003 has been instituted and pending in this Tribunal. The Applicant's claim that the decision of the management to stop supply of uniform to the canteen employees was taken without approval from this Tribunal and, thus, it is a serious contravention of the condition of service and imposing of penalty for such non-compliance upon the Opp. Party has been claimed as per provision of Section 33(2)(b) of the Act. In the present application the Applicant has prayed for direction upon the Opp. Party not to curtail any existing facility and also supply of uniform and shoes to the canteen employees.

3. In its written reply the management Bank has stated that in the present application the Applicant has no right as per law. In the reference in question employer-employee relationship in between the parties was under dispute and

if in the said dispute it is found that the canteen employees are not employees of the Bank the present application will become infructuous and liable to be dismissed. The present application under Section 33A of the Act is totally misconceived since the status of the Applicant as employee is to be decided first in the reference and so the Applicant is not entitled to agitate before this Tribunal at this stage. Opp. Party Bank has also stated that the application should be rejected for non-addition of canteen committee as one of the opposite parties. It is also claimed that there had been no change of condition of service during the pendency of the proceeding before any authority under the Act. It is claimed by the management that the staff canteen of the Bank is being run and managed by a canteen committee constituted on pro-rata membership of unions by issuing nomination from various employees association existing in the Bank having a minimum of 50% member and the canteen committee is constituted having 13 members. The staff canteen in the Bank is being run as part of staff welfare measure and the canteen committee members who are also employees of the Bank are getting their salary for discharging banking business only and not for attending work of the canteen and lapse thereof does not attract any disciplinary action. It is claimed that the status of the canteen run by the canteen committee is non-statutory, non-recognized canteen and the employees of the canteen are not under the supervision and control of the Bank and so the employees recruited by the canteen committee are not governed by rules framed by the Bank. The management Opp. Party also claimed that the Bank management did not run any canteen but subsidy was given to the canteen committee to meet the expenses as part of welfare activities to its employees and the canteen employees cannot bring any allegation of injustice and/or unfairness to the employees against the Bank. The Opp. Party Bank claimed the present application as inactive and that it is liable to be rejected.

4. In its rejoinder, the Applicant workmen denied the allegations made by the Opp. Party management Bank in respect of fixing their responsibility upon the canteen committee being the employer of these canteen-boys and it is claimed that the bank itself was supplying uniform and shoes and to the Zonal Office Canteen employees and this was the practice in vogue for a pretty long time and thus, it has become a condition of service of the canteen employees and naturally the management Bank cannot curtail the same. The Applicant again claimed that they are never employees of the canteen committee and they have claimed that they are employees under the management Bank and so they have denied the need to implead the canteen committee in the present application.

5. In this application under Section 33A of the Industrial Disputes Act, 1947 the relief claimed by the Applicant workmen is for a direction upon the Opp. Party management Bank by way of restraining from curtailment

of facilities the canteen-boys are receiving by way of supply of uniform and shoes. It is claimed by the Applicant that since the said supply of uniform and shoes were being done for a pretty long time, it has become a practice in vogue since the uniform and shoes were being supplied by the canteen committee in every alternative two years. In support of their claim the Applicant workmen have filed a series of documents which are Exts. W-1 to W-4 and these are communications in between the Chief Manager of the Bank to the Convener of the staff canteen committee of the Bank and therein it is found that in different years supply of uniform and shoes have been vetted with reimbursement by the Bank.

6. The prayer of the Applicant in the present application perhaps suffers from many flaws. Firstly, the Applicant workmen have failed to show that the supply of uniform and shoes were condition of service to their engagement since no document is forthcoming to show that the said supply of uniform and shoes to each of the canteen-boys has achieved a mandatory character. Secondly, the Applicant workmen have failed to produce any letter or order from the Opp. Party or order from the Opp. Party management Bank that there has been a denial from the side of the Bank to finance the cost of uniform and shoes and so this application is a pre-mature one having no cause of action. Thirdly, the relationship of the canteen-boys with the Opp. Party management Bank is yet to be established and that matter is pending in Reference No. 32 of 2003 and since the same issue is involved in the schedule of reference and it is to be established first before fixing the liability of the management Bank to extend the so-called facility.

7. The letters being exhibits W-1 to W-4 as relied upon by the Applicant are no doubt concerning the cost of supply of uniform and shoes to the canteen workers, but going through the said documents it is found that the Bank has sanctioned reimbursement of the cost borne in that regard by the Convener of the canteen committee of the Bank concerned since those letters were addressed to the Convener of the canteen committee of the Bank by the Chief Manager of the Bank. So, directly liability of the management Bank to extend the facility as claimed has not been established by the Applicant since the management Bank has always been claimed that the canteen workers/boys were engaged by the canteen committee of the canteen of the Bank and not by the Bank itself. No paper is forthcoming in the present application to show that the present Applicant being canteen workers were engaged by the Opp. Party management Bank.

8. The provision of Section 33A of the Industrial Disputes Act, 1947 pre-supposes the provision of Section 33 itself where the employer has been restrained from altering the condition of service applicable to the workmen immediately before the commencement of the proceeding

before the Tribunal among others. Admittedly, a reference case is pending before this Tribunal being Reference No. 32 of 2003 wherein the issue of relation in between the Opp. Party management Bank and the Applicant workmen is pending to be decided and also the matter is pending for decision as to whether these Applicants being workmen they are entitled to get regularization in the service of the Bank and if so under what pay scale they are entitled to get regularization. In such circumstances, the legislation in the Act has also provided for making complaint before the Tribunal against the employer for such contravention of the condition of service. The provision of Section 33A of the Act has been introduced to give an instant relief to the Applicant workman who complains about the contravention of the provision of Section 33. The Applicant workmen have alleged that the facilities in respect of supply of uniform and shoes have been curtailed by the Opp. Party management Bank and, therefore, they had treated it as curtailment of condition of service.

9. In the earlier paragraph it has been stated that the present Applicant workmen have not produced any document to show that the facilities as alleged by them were made a condition of their service by any document having legal force. It has also been discussed earlier that the direct liability of the Opp. Party management Bank could not be established as yet to extend these facilities to the Applicant workmen. Further, the Applicant workmen have not brought the canteen committee of the Bank as a party in the present application since they have nowhere ignored the existence of such canteen committee and since the Opp. Party management Bank has pleaded that the Applicant workmen were direct employees under such canteen committee and last but not the least the Applicant has nowhere showed that the Opp. Party management Bank has ever refused to reimburse the cost of uniform and shoes so that it can be called curtailment of condition of service though it is yet to be proved that such supply of uniform and shoes were condition of service of the workmen and the liability of the Bank in that regard is yet to be established. One more thing to be added here to the effect is that the Applicant workmen have nowhere shown that they have claimed for their uniform and shoes which were being supplied to them periodically, in every two years before the canteen committee or the Opp. Party management Bank. So, the Applicant workman neither have established their right to claim such facility from either of these two authorities nor any refusal from any of the said two authorities have been cited.

10. In view of all the discussions made above, I am of the view that the Applicants workmen could not establish that there had been any change in the condition of service as alleged. So, the present application fails and it is liable to be rejected.

11. In view of the same, the present application under Section 33A of the Industrial Disputes Act, 1947 is disposed of by way of rejection.

JUSTICE MANIK MOHAN SARKAR,
Presiding Officer

नई दिल्ली, 1 दिसम्बर, 2011

कारण 3774.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार डिपार्टमेंट ऑफ पोस्ट, सतारा के प्रबंधन के संबद्ध नियोक्ता और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में लेबर कोर्ट, सतारा के पंचाट (संदर्भ संख्या 04/2007 को प्रकाशित करती है जो केन्द्रीय सरकार को 01-12-2011 प्राप्त हुआ था।

[से एल - 40012/86/2006-आईआर (डीयू)]
जोहान तोपनो, अवर सचिव

New Delhi, 1st December, 2011

S.O. 3774.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 04/2007) of the Labour Court, Satara as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Superintendent of Post Offices, Department of Post, Satara and their workmen, which was received by the Central Government on 01.12.2011.

[No. L-40012/86/2006-IR(DU)]
JOHAN TOPNO, Under Secretary

ANNEXURE

**BEFORE THE HON'BLE PRESIDING OFFICER,
LABOUR COURT, SATARA.
(PRESIDED OVER BY P.M. KHAMBAYATE)**

Reference (IDA) Application No.: 04/2007

Date of filing: 17.02.2007.

Date of Registration: 02.03.2007

Date of Judgement: 13.10.2011.

Duration: 04 Year 07 Months 26 days.

Reference (IDA) Application No.: 04/2007

The Superintendent of
Post Offices,
Department of Posts,
Powai Naka, Satara
Satara-01

.....First Party

Versus

Shri Ramesh Maruti Kadam,
22, Gadkar Ali, Satara

.....Second Party

Coram: P.M. Khambayate,
Presiding Officer,
Labour Court, Satara.

Advocates: (1) Shri D.M. Chavan,
D.G.P. Satara.
Shri Milind R. Pawar,
Advocates for the
First Party.

(2) Shri B.D. Khataavkar,
Advocate for the
Second Party.

AWARD

(DATE: 13.10.2011)

The present reference has been referred by the Minister of Labour, Government of India, to decide whether the action of Post Office, Satara in terminating the services of the workman Shri Ramesh Maruti Kadam is legal and justified?

(1) After the reference, the Second Party *i.e.* the workman Shri Ramesh Kadam has submitted the 'Statement of Claim' at Exh.-7. It is submitted that the First Party *i.e.* Post Master and the Senior Superintendent of the Post Offices, Satara are in the nature of activities of 'Industry', and the Second Party is its employee *i.e.* outsider postman, packer. The Second Party was performing the duties since 1983 till 15.05.2004 continuously and has completed more than 240 days of continuous service in each year. Whenever the regular postman remained on leave, the First Party used to allot the work to the Second Party in place of the regular postman or packer. The Second Party used to get salary of Rs. 165/- per day and used to sign muster roll. However, on 15.05.2004, the Post Master, City Post Office, Satara orally terminated the services of the Second Party and asked him not to come on duty. It is alleged that though the Second Party has performed continuous service of more than 240 days, the First Party terminated his services without giving one months notice or the notice pay or retrenchment compensation. Hence, it is submitted that the alleged termination is illegal and is not in compliance with the provisions of Section 25 (F) of the Industrial Disputes Act, 1947 (for short I.D. Act, 1947). The First Party has not maintained the seniority list of the workers and committed the breach of the principle of "Last come first go". The Second Party made various applications to the First Party requesting to allow him to join the duties, also made representation to the Regional Labour Commissioner. But due to the adamant view of the First Party the dispute was not resolved. Hence, the Second Party prayed for the declaration that the termination of the Second Party is illegal and prayed for the relief of the reinstatement in the services with full back wages with continuity of the service.

(2) The First Party resisted the 'Statement of Claim' as per their 'Written Statement' at Exh.-13. It is admitted that the Department of Post is an 'industry' but the Second Party was not a regular employee of the Department and hence, the Second Party is not the 'Workman', and employees are governed by the Rules of CCS (CCA) 1965 & GDS (E & C) 2001. Therefore, I.D. Act, 1947 cannot be applied. It is submitted that the Second Party was engaged orally on temporary basis in 'stop gap arrangement'. The Second Party was never appointed as a postman, packer but was engaged as a outsider and his engagement was governed by the Rules in Section III of Swami's compilation on service Rules for GDS. The muster roll is maintained for the regular employees and not for the outsiders but the Second Party might have deliberately put his name in the muster roll and signed it for creating evidence. It is submitted that the Second Party never worked for more than 240 days in any calendar year and there is no provision of one month notice or pay or the Retrenchment Compensation. The action taken by the First Party is strictly in accordance with the Department Rules. Lastly they submitted for the rejection of the reference.

(3) On the basis of rival pleadings following issues have been framed by my Predecessor at Exh.-14, and I gave findings to them with the reasons as discussed below:

ISSUES

FINDINGS

- | | |
|---|---|
| (1) Does the Second Party prove that he has served for more than 240 days in a year with the First Party? | "Affirmative". |
| (2) Does he prove that the First Party illegally terminated him from the services on 15.05.2004 by oral orders? | "Affirmative". |
| (3) Does the First Party prove that the Second Party was served temporarily on 'stop gap arrangement'? | "Affirmative" |
| (4) Whether the Second Party is entitled for the reliefs claimed? | S.P. is not entitled for reinstatement with back wages and continuity in service but is entitled to be placed in service on daily wages as previously but from the day of the order till he attains superannuation. |
| (5) What Order? | As per final order. |

REASONS

ADMITTED FACTS:—

(4) The First Party is an 'Industry'. The Second Party used to work in the place of the employee on leave *i.e.* whenever the regular employee went on leave. The Second Party was not engaged by the First Party from 16.05.2004.

(5) The Second Party examined himself as PW1 (at Exh.-28), the retired postman Shankar Krishna Shinde *i.e.* PW2 (Exh.-35), retired post master Yashwant Balwant Shelar PW3 (Exh.-38) and closed his evidence. The First Party examined the Complaint Inspector of Post Shri Chandrakant Pandurang Sonavane (RW1) (Exh.-44) and closed their evidence.

AS TO ISSUE NO. 1:—

(6) Present issue is in respect of as to whether the workman *i.e.* the Second Party has completed 240 days of work in a year. It is admitted fact that the First Party *i.e.* The Post and the Telecommunication Department is an 'Industry'. However, the Learned Advocate for the First Party Shri M.R. Pawar vehemently argued that the Department of the Post and Telecommunication is not an 'Industry' and whatever admissions have been given in the 'Written Statement' was wrongly given. On the other hand, the Learned Advocate for the Second Party submitted that once the admission is given in the 'Written Statement', the said authority is now estopped from denying the admission. As per the principle of estoppel, the First Party now can not deny the admission. Hence, the First Party is an 'Industry'. The Learned Advocate for the Second Party relies on the case law in the **General Manager, Telecom V/S. S. Srinivasan Rao & Others; reported in 1998 1 CLR 184**. In the said case, it is observed by the Hon'ble Supreme Court,

'It is held that as per the test laid down in the case of Bangalore Water Supply and Sewerage Board etc. V/S. A. Rajappa & Others; reported in 1978 AIR 548; [1978 SCR (3) 207] the Telecommunication Department is an 'Industry' as defined in Section 2 (j) of the Industrial Disputes Act, 1947.'

It is further observed by the Hon'ble Supreme Court that the decisions in the case of **Sub Divisional Inspector of Post, Vaikam & Others V/S. Theyyam Joseph & Others; reported in 1996 11 CLR 237** and **Bombay Telephone Canteen Employee's Association V/S. Union of India; reported in 1997 11 CLR 218** cannot be treated as laying down the correct law.

(7) Relying on the aforesaid observations of the Hon'ble Supreme Court the Telecommunication Department is an 'Industry'. Hence, the First Party being engaged in telecommunication and postal activities is an 'Industry' under Section 2 (j) of the I.D. Act, 1947.

(8) It is also admitted fact that the entry of the Second Party is not by way of any interview or through Employment

Exchange as per the pleadings in the application Exh.-7. It is admitted by the Second Party that as per the policy, the First Party appointed the Second Party as outsider postman. It is also admitted by the Second Party in para (3) of the application that he used to work in place of a postman who remained on leave. The said pleadings itself shows that the work allotted to the Second Party was of temporary nature. It is also admitted fact that without giving the one month notice and without giving the one month pay or retrenchment compensation, the Second Party was asked not to come on work. According to the Second Party, he has worked more than 240 days in a calendar year with the First Party. For that purpose we have to go through the evidence of the First Party which is at Exh.-28. It shows that he worked as a postman and packer with the First Party since, 1983 till 15.05.2004 and the said work was continuous. His cross-examination shows that he was used to be called on the work when the other employee remained on leave. According to him, he received the payment by voucher. From the above evidence, it is inferred that it is the oral evidence that the applicant/second party worked continuously from the year 1983 and he also admitted that he worked only on leave vacancy *i.e.* when the regular employee *i.e.* postman remained on leave and the said evidence is not sufficient to establish that the second party worked for more than 240 days in a calendar year.

(9) The Second Party further examined two more witnesses for that purpose. The second witness of the Second Party is a retired postman namely Mr. Shankar Krishna Shinde. His evidence is at Exh.-35. From his evidence it is inferred that the Second Party was in the service of City Post Office since, 1983 to 1993. But there is no documentary evidence. The another witness examined by the Second Party is Mr. Yashwant Balwant Shelar (PW3) (Exh.-38). From his evidence it is inferred that the Second Party used to work on leave vacancy and his service was continuous. The question arises when the Second Party used to work on leave vacancy how his service was continuous. This query deserves to be satisfied only from the documents. The Learned Advocate for the Second Party pointed towards the cross-examination of the witness of the First Party. His evidence is at Exh.-44. This witness filed on record the account of work done by the Second Party from the year 1983 to 2004. It is comprising 22 pages and it is at Exh.-44 A. He also clarified that the alleged account has been prepared from the pay bills and was prepared by the Senior Post Master Mr. Bhatkar. Relying on the said account, this witness gave the evidence that the Second Party has not worked for 240 or more days in a calendar year. Few pay slips have been placed on record by the Department below Exh.-56. During cross-examination, the witness of the Department clarified that the account Exh.-44 A was prepared when the Department received a notice for adjudication of the dispute. He also clarified in para 12 of his cross-examination that page no. 2

of Exh.-44 A is not showing the dates on which the Second Party worked in January, 1994, in August, 1996, January, 1987, March, 1987, January, 1988 to May, 1988, December, 1989, December, 1995, Cross-examination at page 10 shows that the Second Party *i.e.* the workman has worked with First Party from 26.09.2001 to 29.09.2001, but it is not shown in Exh.-44 A page no. 16. Under such circumstances, the work account under Exh.-44 A is not reliable one. and hence, it was necessary to examine a person who prepared the alleged account. But this witness clarified that the Department is not going to examine the said person. From the evidence of this witness, it is found that the alleged account at Exh.-44 A has been prepared from the pay bills and the pay bills are to be preserved for 35 years, as per the Rules which are filed below Exh.-45. Under such circumstances, it was necessary for the department to produce all the pay bills of the Second Party. But instead of producing of bills, only two pay bills have been placed below Exh.-56. On going through the page no. 10 of Exh.-56, it shows that the Second Party has received the payment for the work done for the period from 26.09.2003 to 29.09.2003. But on going through the Exh.-44A for September, 2003, the days 26.09.2003 to 29.09.2003 are not shown on page no. 22. Under such circumstances, it cannot be inferred that the account at Exh.-44 A has been particularly prepared from the pay bills. This document for the postman delivery arrangement book has been placed on record below Exh.-55. It is the carbon copy. On going through it, it is found that on so many days the work has been given to the Second Party on leave vacancy to the Second Party. But it is the xerox copy and it is not original. It is the xerox copy and under such circumstances, it is found that the Exh.-44 A is not relevant one and is not found prepared from the pay bills. The question arises why the original pay bills are not produced on record. There is an admission given by the witness of the Department that if the documents are preserved, he is ready to produce that document. He also admitted that as per the Rules filed below Exh.-45, the pay bills are to be preserved for 35 years. But the alleged pay bills are not filed on record. The Department *i.e.* the First Party was duty bound to produce the pay bills on record. The Learned Advocate for the Second Party vehemently argued that the said documents are not produced by the Department only to suppress the facts that the worker *i.e.* Second Party has completed the work for more than 240 days in any calendar year. He submitted to draw adverse inference against the First Party. I do agree with the submission of the Learned Advocate for the Second Party as the Postal Department *i.e.* First Party did not produce the original pay bills on record. Hence, adverse inference is drawn that for suppressing the fact that the employee has worked for 240 days or more than it in a calendar year, the First Party avoided to produce all pay bills of Second Party. Hence, by way of adverse inference, it is arrived at conclusion that the Second Party worked for more than 240 days in preceding calendar year

of termination. Hence, I answer this issue in affirmative.

AS TO ISSUE NO. 2:—

(10) As discussed earlier in the issue no. 1, it is proved that the Second Party has worked at least for 240 days in a preceding calendar year. Hence as per the provision u/s 25(F), it was necessary for the First Party to give him one months notice in writing indicating the reasons for his termination or to pay wages for the notice period as per provision u/s 25(F) of the I.D. Act, 1947. No such notice or wages for notice period have been paid to the Second Party by the First Party. Hence, his termination is illegal and I answer this issue in affirmative.

AS TO ISSUE NO. 3:—

(11) It is the contention of the First Party that the Second Party was engaged for the work on 'stop gap arrangement'. On going through the statement of claim of the Second Party at Exh.-7, it is submitted by the Second Party in para 3 that as per the policy the First Party appointed the Second Party as outsider postman. It is further submitted in the said paragraph that the Second Party worked in the place of regular postman when the regular postman was on leave. The cross-examination at Exh.-28 shows that when the employee in the Post Office remained on leave, he was called for the work. He also admitted that there was no appointment order given to him nor his appointment was made by taking his interview or examination. Hence, it is proved that the Second Party has worked on 'stop gap arrangement' and answer this issue in affirmative.

AS TO ISSUE NO. 4:—

(12) As discussed in the reasoning to the issue No. 1, it is proved by the applicant - Second Party that he was worked for 240 days or more days in a calendar year still he was asked not to come for the work. It is also proved that the Second Party was not appointed as a regular employee but he was appointed on 'stop gap arrangement'.

(13) The Learned Advocate for the First Party submits that as per admission given by the Second Party himself, he was temporary worker and not a permanent worker, hence, as per the ratio laid down in the case of **Secretary, State of Karnataka and others v/s Uma Devi and others; reported in 2006 (109) FLR 826** a temporary employee cannot be absorbed in permanent employment. In the reported case, it is observed by the Hon'ble Supreme Court as under:—

*"Public Employment - Constitution of India, 1950—
- Articles 32, 226, 12, 14, 16, 309, 315 and 335—
Scheme of Public employment — Broadly governed
by the Constitutional mandate contained in these
provisions — Constitution does not contemplate
any employment outside Constitutional Scheme and
without following requirements laid down therein—*

But the States and the Union have a right to employ persons on posts which are temporary—On daily wages—As additional hands—By taking them in without following the required procedure—To discharge duties in respect of posts which are sanctioned—And are required to be filled in terms of relevant Constitutional procedure—Nothing in Constitution prohibits such engaging of persons temporarily or on daily wages to meet the needs of situation—But such temporary employment cannot be resorted to defeat to the very basic Constitutional Scheme of Public Employment—Thus not ordinarily proper for Courts—Whether acting under permanent employment of those who have been engaged without following due Constitutional process."

(14) However, the Learned Advocate for the Second Party submits that the ratio laid down in Umadevi's case cannot be applied to be facts of present case in view of the another case law of Hon'ble Supreme Court in *Maharashtra State Road Transport Corporation and another v/s Casteribe Rajya P. Karmachari Sanghatana*; reported in 2009 III CLR 262, wherein it is observed that:

"Umadevi does not denude the Industrial and Labour Courts of their statutory power under Section 30 read with section 32 of MRTU and PULP Act to order permanency of the workers who have been victim of unfair labour practice on the part of the employer Item 6 of Schedule IV where the posts on which they have been working exists. Umadevi cannot be held to have overridden the powers of Industrial and Labour Courts in passing appropriate order under section 30 of MRTU and PULP Act, once unfair labour practice on the part of employer under Item 6 of Schedule IV is established.

(15) Hence, replying on the above ratio, the observations in Umadevi's case cannot be applied to the present case.

The Learned Advocate for the Second Party relied on the citation in *Reliance Energy Ltd., Mumbai V/s Yadayya Giri & Others*; reported in 2011 I CLR 60. the matter is in respect of Section 28, Item No. 5, 6, 9 and 10 of Item IV of the MRTU & PULP Act, 1971 wherein the respondent prayed for the permanency in service. It was observed by the Hon'ble High Court that:

(i) *'No material on record to conclude that these workmen were engaged only for a tenure of a particular project — The work they were doing was perennial in nature;*

(ii) *No appointment letters were issued to these workmen;*

they continued to be employed even after a

particular project came to an end — No break in service whatsoever. They were employed continuously for years together as temporary workmen. Workman had completed 240 days in service. Hence, the petitioner has committed unfair labour practice.'

(16) Relying on the aforesaid case, the Learned Advocate for the Second Party submitted that the Second Party is entitled for the benefit of permanency.

(17) On the other hand, the Learned Advocate for the First Party relies on the case law in *Union of India & Others V/S. A. S. Pillai & others*; reported in 2011 I CLR 43; wherein it is observed that:

'Constitution of India, 1950 - Arts. 226, 227 — Challenge to allowing of Writ Petition filed by respondent's — part time Bandsmen, by the High Court and giving directions to appellants to regularise the services of respondents (original petitioners) — Held that (i) Original petitioners have no right to be absorbed in any of cadres of Air Force;

They do not attend to duties like other regular employees of Indian Air Force; (ii) Petitioners not being in regular employment and only being part timers, were paid daily wages whenever they performed duties; (iii) High Court was in error in granting the relief of absorption to the said original petitioners and observing that petitioners were exploited by respondent—authorities (i.e. appellants) — They cannot compare themselves with other regularly selected Bandsmen of Indian Air Force — High Court Judgment is quashed.'

In the reported case, the petitioners were working on the part time base work in Civil Bandsmen team. In present case, before this Court the Second Party was not doing the part time, job, but was doing the job of the postman when the regular postman was on leave. Hence, the facts of the reported case are different from facts of the present case.

(18) The Learned Advocate for the First Party further relies on the case of *State of Maharashtra, Sub-Divisional Forest Officer, Beed V/S. Sadashiv Maroti Dake and Another*; reported in 2011 I CLR 98. In the said matter the respondent No. 1 was taken back in service on daily wages from 1992 and he was found working till the disposal of the Writ Petition. Under such circumstances, it was observed by the Hon'ble High Court that,

'The daily wagers have no right to claim reinstatement continuity in service or back wages. But he was reinstated in service and continuous to work as daily wager till he attains the age of superannuation.'

(19) In the present case before this Court, the Second

वर्द्धमान जिला पश्चिम बंगाल में तलित (जे० एल् सं० 10), चंदुल (जे० एल् सं० 14), झिंगुटी (जे० एल् सं० 15), नावाभाट (जे० एल् सं० 16), ईसुफाबाद (जे० एल् सं० 17), कासिमपुर (जे० एल् सं० 18), मतिअल (जे० एल् सं० 19), नाला (जे० एल् सं० 20), बहारपुर (जे० एल् सं० 22), कंचननगर (जे० एल् सं० 26), लकुरडी (जे० एल् सं० 29), सराईताकर (जे० एल् सं० 46), क्षेतिया (जे० एल् सं० 52), मालकिता (जे० एल् सं० 54), रायपुर (जे० एल् सं० 65), मिर्जापुर (जे० एल् सं० 66), रायन (जे० एल् सं० 68), बेचारहाट (जे० एल् सं० 79), पेमरा (जे० एल् सं० 80)।

सं० 82), कानदारसोना (जे० एल० सं० 86), कास्थाकुरुम्बा (जे० एल० सं० 123), नाथपुर (जे० एल० सं० 125), साध्या (जे० एल० सं० 130), हाटगोविन्दपुर (जे० एल० सं० 136), हतकंडा (जे० एल० सं० 138), रामनगर (जे० एल० सं० 148), शक्तिगढ़ (जे० एल० सं० 155), मौजा के अंतर्गत आने वाले क्षेत्र।

[सं० एस-38013/77/2011-एसएस 1]

नरेश जायसवाल, अवर सचिव

New Delhi, the 5th December, 2011

S.O. 3776.—In exercise of the powers conferred by sub-section (3) of Section 1 of the Employees' State Insurance Act, 1948 (34 of 1948) the Central Government hereby appoints the 1st January, 2012 as the date on which the provisions of Chapter IV (except Section 44 and 45 which have already been brought into force) and Chapter-V and VI [except Sub-Section (1) of Section 76 and Sections

77, 78, 79 and 81 which have already been brought into force] of the said Act shall come into force in the following areas in the State of West Bengal namely:—

"Areas comprising Mouzas of Talit (JL No. 10), Chandul (JL No. 14), Jhinguti (JL No. 15), Nawabhat (JL No. 16), Isufabad (JL No. 17), Kashimpur (JL No. 18), Matial (JL No. 19), NALA (JL No. 20), Baharpur (JL No. 22), Kanchannagar (JL No. 26), Lakurdi (JL No. 29), Saraitakar (JL No. 46), Kshetia (JL No. 52), Malkita (JL No. 54), Raypur (JL No. 65), Mirjapur (JL No. 66), Rayan (JL No. 68), Becharhat (JL No. 79), Pemra (JL No. 82), Kandarsona (JL No. 86), Kasthakurumba (JL No. 123), Nathpur (JL No. 125), Saddy (JL No. 130), Hatgobindapur (JL No. 136), Hatkanda (JL No. 138), Ramnagar (JL No. 148), Saktigarh (JL No. 155), in the district of Burdwan, West Bengal."

[No. S-38013/77/2011-SS.I]

NARESH JAISWAL, Under Secretary